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MICHIGAN'S FIVE MILLION DOLLAR LOAN

—*William L. Jenks*

REMINISCENCES OF ALBION COLLEGE

—*By an Alumnus*

MICHIGAN IN 1845

—*George W. Sears*



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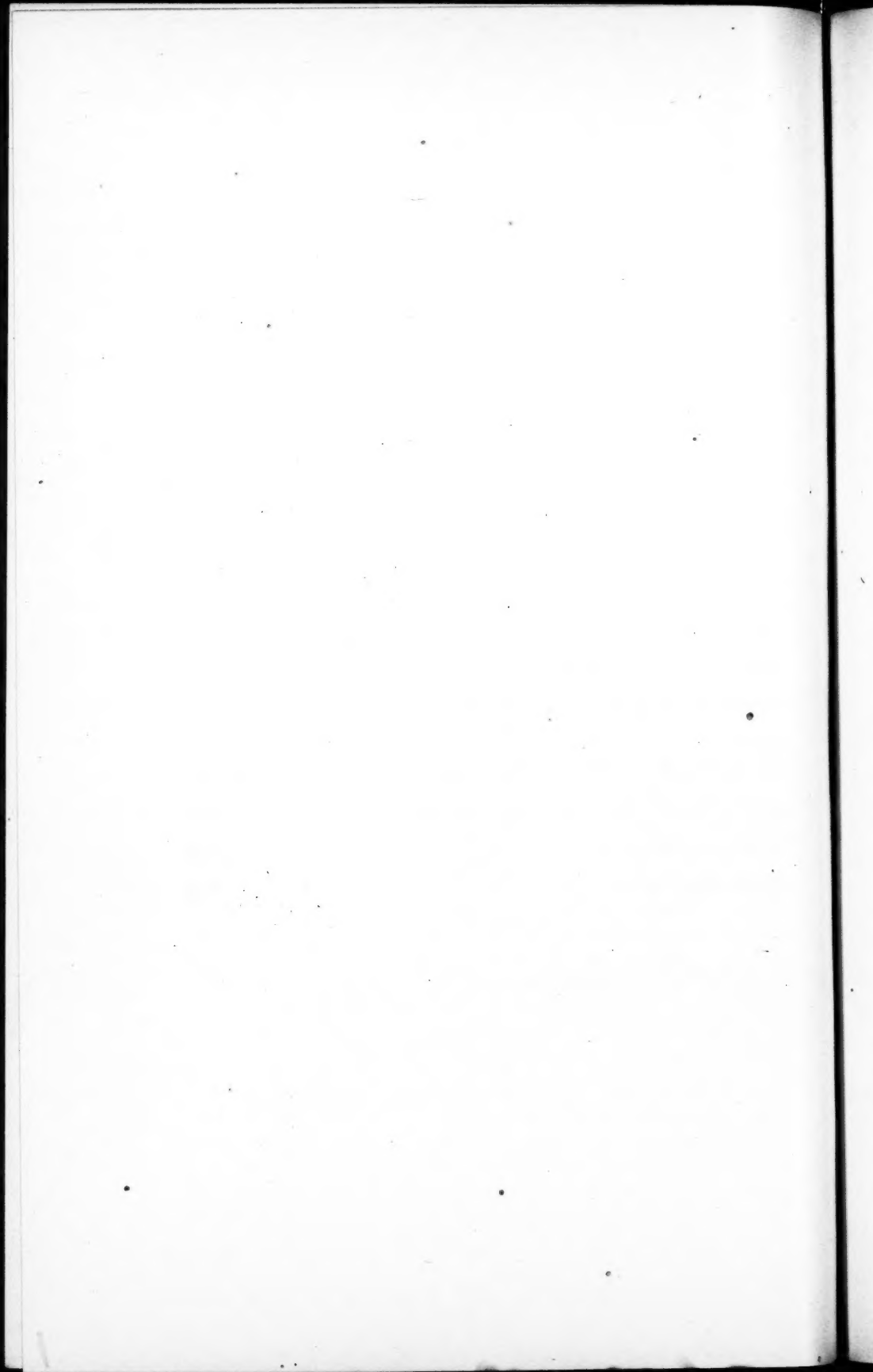
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GEORGE N. FULLER, *Editor*

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MICHIGAN HISTORY MAGAZINE

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MICHIGAN'S FIVE MILLION DOLLAR LOAN

BY WILLIAM L. JENKS, M. A.

PORT HURON

MICHIGAN Territory adopted its First State Constitution in November, 1835. It had a population of less than 100,000 and its people were very largely from New York and New England and they, in common with those of the then Central and Western States, were deeply imbued with the importance of transportation systems to their situation, and realized their individual financial weakness and that only by using the credit of the new commonwealth could they hope to obtain sufficient funds to carry out their hopes. Accordingly they inserted in the constitution the provision "Internal improvements shall be encouraged by the government of this State; and it shall be the duty of the Legislature, as soon as may be, to make provision by law for ascertaining the proper objects of improvement in relation to roads, canals and navigable waters".

Until the new State was admitted into the Union in January, 1837 the Legislature moved slowly and cautiously in observing this constitutional mandate, but the message of Gov. Mason to the Legislature in that same month called attention to the need of a general scheme of internal improvements in which the State should be interested either by taking stock in the enterprises projected, or by itself taking the

exclusive charge of works of that character, and recommended a loan of five million dollars "as sufficient to accomplish all the important public improvements demanded by the State for the present".

Responsive to this suggestion and to the widespread demand for action, a Bill authorizing a loan not exceeding five million dollars was introduced in the House on January 27 and passed that body without a record vote on February 10. In the Senate there was some opposition, some of the members desiring to reduce the amount to two million dollars but it passed the Senate on March 21 at the original amount by a vote of eleven to four and on the same day the Governor approved it and it became law.

The Act authorized and directed the Governor to negotiate and agree for a loan or loans not exceeding five million dollars redeemable at any time after January 1, 1863, on the best and most favorable terms and conditions that could in his judgment be obtained, with interest not exceeding five and one half per cent, the proceeds to be expended for purposes of internal improvement. Certificates of stock or, in modern meaning, bonds were authorized to be issued with the Great Seal of the State, drawn in favor of the Auditor General and endorsed by him. The Act also declared it should be deemed a sufficient execution of the power to borrow by the Governor causing the bonds to be sold, but they should not be sold for less than their par value. In addition the Governor was authorized to make such arrangements and contracts as in his judgment would secure the payment and safe transmission of the proceeds of the bonds to the State Treasurer.

The faith of the State was pledged for the payment of the loans authorized according to the terms of the contracts the Governor might make and the proceeds of all railroads and canals constructed by the State and interest from certain loans and dividends from bank stock owned by the State were made a sinking fund for the payment of the bonds. It will be seen that great and unusual power and authority were given to the Governor by this Act.

Stevens T. Mason, then the Governor of the State, was a young man 25 years of age, who had come to Michigan when only 19 years old to act as Secretary of the Territory, and had in spite of his youth, established himself in the hearts and confidence of the people. He was, however, totally inexperienced in business of this character and volume. The sum of five million dollars was in fact an enormous sum for a



GOV. STEVENS T. MASON

From oil painting in University of Michigan

young State which had at this time barely 175,000 population, almost wholly agricultural in character and with a total assessed value of less than 43 million dollars, to think of bor-

rowing for the purpose of investing in such purposes and was equal to many times that amount in the present day, but the population had increased rapidly since the adoption of the constitution, and the share of the United States surplus revenue was coming into the State and everybody was enthusiastic and confident of the future.

Shortly after the Legislature adjourned on March 23, 1837, Gov. Mason left Michigan for New York where lay the only hope of disposing of so large a loan as he had to offer, but reached there only in time to see the beginning of the panic of 1837. He naturally applied first to John Delafield, then President of the Phoenix Bank, a man of high social and financial connections, who had successfully negotiated for the State a previous loan of \$100,000. Delafield advised that England offered much the best opportunity for handling a loan of such size and character as there were several large financial houses in London who had made a specialty of American State issues and many million dollars of the bonds of Ohio, Indiana, Mississippi and other states had been placed there and such bonds were in good favor.

Gov. Mason returned to Detroit leaving the matter in Mr. Delafield's hands for inquiry and shortly afterward the great panic of 1837 came on. Beginning in London which experienced a serious but short crisis, it reached its climax in New York in May when banks suspended specie payments and merchants and industrial concerns went bankrupt in large numbers, and rapidly extended over the entire country with especial severity in the South where speculation in cotton had reached tremendous height.

Michigan suffered deeply. Gov. Mason called an extra session of the Legislature in June, which promptly authorized the State Banks to suspend specie payment. The State, however, continued on its course of large expenditure on railroads and canals believing that the financial troubles were only temporary.

In September Gov. Mason went again to New York to hasten the loan negotiations as money was needed and found that in

order to place the loan under the conditions then existing, two changes in the bonds must be made, the rate of interest increased to six per cent and they must be payable in London as well as in the United States.

The Legislature met in adjourned session November 9th and the Governor sent to both Houses a communication to the above effect. A bill was promptly introduced which became a law within a week amending the first law relating to the loan by increasing the rate of interest to six per cent and further providing that the interest should be payable in New York or elsewhere in the United States or in Europe if the Governor found it advantageous to so contract, but no interest was to be made payable in Europe except when the bonds themselves were sold there, and all profits arising out of exchange were to enure to the State. It was also provided that the bonds if sold in Europe should be redeemed at the rate of \$4.44 per pound sterling.

It will be noted—and this was a point subsequently raised by English bankers as a ground for declining to purchase the bonds—that while it provided that the *interest* might be payable in Europe, there was no authority given either in the original Act or in this amendment to make the *principal* of the bonds payable there.

When the Legislature met in its annual session, January 4, 1838, the Governor in his message to it, after referring to the sale of \$500,000 of the bonds to Oliver Newberry, said that the remainder had been thrown into the European market under such an agreement as would insure its successful negotiation.

The House of Representatives on February 12 adopted a resolution requesting the Governor to communicate to it whether any of the state loan of five millions of dollars had been disposed of, and if so how much and at what rates, and when, to whom, and where payable. The Governor on February 19 reported the sale of \$500,000 of bonds to Oliver Newberry and stated further that he had placed in the hands of John Delafield as agent of the State \$1,000,000 of bonds to be sold on

the most advantageous terms and expected daily to have advice as to the result of their negotiation in Europe.

No definite news came as the Governor had hoped, and as the end of the session was approaching, on April 3d the House adopted another resolution requesting the Governor to lay before it all information relating to the amount of bonds sold by him, to whom and at what premiums sold, the kind of money received by the State, and if any bonds had been taken out of the State what arrangement had been made for their payment. The Governor replied April 6 that \$150,000 had been advanced on the \$1,000,000 of bonds in New York and he had been advised that in the course of sixty days he could draw from \$300,000 to \$400,000, that the advance and the amount paid up to that date by Mr. Newberry were on deposit in the Michigan State Bank.

The Legislature adjourned the same day and as no favorable news came from Delafield Governor Mason left Detroit in the latter part of April for New York. When he arrived there, he found Prime, Ward and King, leading bankers of New York acting with Delafield, had sent to London in the preceding November \$300,000 of the bonds and had drawn against them \$150,000, which was the advance referred to in the Governor's reply to the House resolution; these bonds had been received in London in December together with a copy of the amendatory act, but the fact that only the interest and not the principal could be made payable abroad together with the provisions regarding the rate of exchange and the prevalent unsatisfactory financial conditions made the sale there impossible and the bonds had just been returned to New York and the advance of \$150,000 must therefore be repaid by the State.

This was a serious blow to the Governor's plans. Large appropriations had been made by the legislature in reliance upon the sale of the bonds. Feeling convinced that foreign sale was impossible for the present, Gov. Mason directed anxious efforts to find an American outlet and was encouraged by Edward R. Biddle to think he had found one, and on

May 7 a contract was made with Biddle to take the entire issue of bonds at par and \$80,000 was received as first payment. Biddle, although at the time Vice-President of the Morris Canal and Banking Company, appears in this transaction to have been acting for himself but after making the first payment he was unable to go further and the \$80,000 was later repaid.

As late as May 22 in a letter to Nicholas Biddle, President of the United States Bank of Pennsylvania, Edward Biddle offered to purchase 2500 shares of U. S. Bank stock at 125 and secure the purchase by Michigan six per cent bonds, which would have required over three million of the bonds and the offer shows the speculative disposition of the man who a few days later as Vice-President took up negotiations for his Company and on June 1, 1838 an agreement was made between Gov. Mason acting in behalf of the State of Michigan, and the Morris Canal and Banking Company in relation to the sale of the bonds. As this contract was the basis of all subsequent conditions, and embarrassment, it deserves careful consideration.

First, the parties: the Morris Canal and Banking Company was chartered by the State of New Jersey in 1824 to build a canal from the Delaware to the Passiac River and by amendment in 1828 the Eastern terminal was the Hudson River at Jersey City. Its charter authorized the Company to do a banking business and for that purpose it opened an office in a building on William Street, New York City, which it purchased.

It completed the canal in 1836 and in 1837 had a paid in capital of \$4,100,000. During that year the United States Bank of Pennsylvania purchased substantially \$1,000,000 of its stock which in 1835 had risen on the exchange, because of a speculative "corner" from 70 to 150. Its officers and directors were men of high standing. In 1836-7 Louis McLane, Ex U. S. Senator, Secretary of the Treasury and Secretary of State, and later President of the Baltimore and Ohio Railroad and Minister to England, was President of the Com-

pany. He was followed in 1838 by Samuel L. Southard, then U. S. Senator from New Jersey and who during his life occupied many high offices in the State and nation.

When the U. S. Bank became interested in the Company, three new directors from Philadelphia were elected: Edward R. Biddle, a cousin of Nicholas Biddle, President of the U. S. Bank, Thomas C. Cadwallader, a representative of the U. S. Bank in many outside affairs, and Washington Jackson. Biddle was made Vice-President in 1838 and on the resignation of Southard in January, 1839 was made President and held this office until removed in October, 1841. Among its directors at this time were several well known men of New York and New Jersey including Edwin Lord, Washington Irving, Isaac H. Williamson and Garrett Wall.

This was the institution with which Gov. Mason made his contract. It had already done considerable business in the same line with Indiana and its good financial standing enabled it to buy large issues of bonds on credit, and obtain the actual possession of the securities before payment.

Second—the contract: The State employed the Company to sell the bonds at such times and in such parcels either in America or Europe as the Company might deem advisable. For its services and expenses the Company was allowed a commission of two and a half per cent on the proceeds of sale. It was to deposit the proceeds in New York for the State, and it guaranteed that the bonds would be sold at par. The Company further agreed to advance and pay for the bonds as follows: \$250,000 at the execution of the contract, \$1,050,000 as required from time to time by the State, the remainder, \$3,700,000 in quarterly instalments of \$250,000 each beginning July 1, 1839, and these payments were to be made whether the Company had actually sold the bonds or not. If the bonds sold over par, the excess up to five per cent was to be divided. \$1,300,000 of the bonds were to be delivered to the Company on the execution of the contract, and thereafter, they should always have possession of \$1,000,000 of the bonds in advance of the payments actually made. It was

agreed in consideration of the guarantys of the Company that the agency should be irrevocable.

It is noteworthy that in all the later attacks upon the Governor, and upon the justice of the claims of the foreign bondholders by subsequent legislatures and governors, no claim was ever made by or in behalf of the State that this contract was invalid or not within the power given to the Governor. We are not now concerned with the wisdom of the contract, the Governor himself was a lawyer, and there was present in New York and assisting in the transaction a capable lawyer from Detroit, Theodore Romeyn, then a friend, but soon to become a bitter enemy of the Governor.

By a supplemental agreement dated three days later it was recited that the Company had passed to the credit of Gov. Mason \$1,300,000 and the Governor agreed to receive that sum in the notes of the Company and disburse them "so far as the exigencies of the State might allow" at the rate of \$250,000 on August 1, 1838 and \$100,000 on the first day of the succeeding months until all was paid.

A few days later Gov. Mason returned to Michigan with a considerable amount of the cash payment and no doubt satisfied that he had secured for the State the best arrangement possible under the existing circumstances.

An incident occurred in the bringing back to Detroit of the cash payment on the bonds that led Gov. Mason to realize the considerable risk in transporting the actual currency and early in July he sent Mr. Norton, Cashier of the Bank of Michigan to New York, who by agreement with the Company dated July 14, 1838 arranged that ninety day drafts should be drawn on the Company and accepted and paid by it, instead of transferring currency as originally agreed.

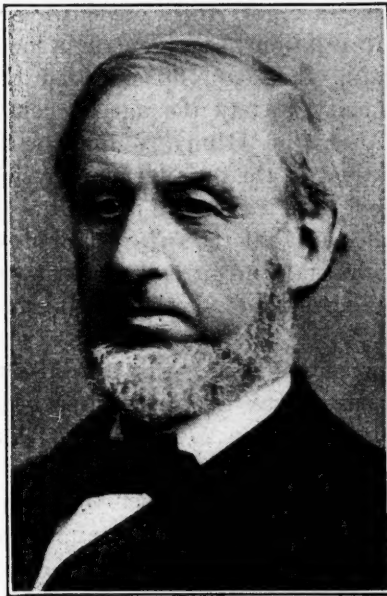
In the meantime and as a part of the negotiations, the bonds had been engraved in New York, were dated May 1, 1838 and were payable January 1, 1863 or later, at the office of the Morris Canal and Banking Company.

During the summer drafts were drawn on the Morris Canal and Banking Company in accordance with the modified agree-

ment and accepted and paid but as winter approached with the legislature meeting in January, the Governor felt that he should have the latest and most definite information about the progress in the sale of the bonds and went to New York late in October to obtain it. In the meantime Biddle had sold some of the bonds in New York, mainly to the Farmers Loan and Trust Company and was fully alive to the great advantage of having a large amount of good bonds in his possession and obligated to pay for them only in relatively small instalments. Early in October, in order to carry out a plan to purchase \$5,000,000 Texas ten per cent bonds, he made a proposition to Nicholas Biddle, President of the United States Bank to sell him \$4,000,000 of the Michigan bonds and apparently by the time Gov. Mason arrived on the scene, an arrangement had been made between the two in regard to them. On November 3, 1838, Gov. Mason then in New York, wrote to E. R. Biddle asking for a statement of the bonds up to date. Instead of supplying this, Biddle on November 10 replied, first stating that in view of foreign conditions it was very desirable to close the sale of the balance of the bonds and then saying that such sale could be made at once and the whole amount placed to the credit of the State if the residue of the bonds—\$3,700,000—were at once delivered and the obligation of the Bank of the United States in Pennsylvania were taken to pay three fourths of the amount, and the obligation of the Morris Canal and Banking Company to pay the remaining one fourth accepted. The following day Gov. Mason replied that he had no objection to the details of the proposition, but as the Company was the agent of the State under its contract, it must take the responsibility of determining whether this was the best sale that could be effected. On November 15, Biddle wrote the Governor that after consulting with those interested, they had decided they could see no prospect of benefiting the State by declining the offer, and he therefore reported the closing out of the bonds at par less commission. The formal guaranty by the Bank was not signed until January 29, 1839.

This arrangement did not alter the original contract of the

Company with regard to the time of payment for the \$3,700,000 bonds, which was to be at the rate of \$250,000 each quarter year beginning July 1, 1839 and making the last instalment—\$200,000—due January 1, 1843 but an important change was in the immediate delivery of all the bonds, and the acceptance of the United States Bank as a payor of three-fourths of the obligation.



THEODORE ROMEYN*

Detroit Attorney associated with Gov. Mason
in the \$5,000,000 loan

In his message to the legislature on January 7, 1839, the Governor reported these negotiations, with copies of the letters between himself and Biddle, and recommended the appointment of a committee to investigate all matters which might present an unfavorable aspect. By action of the Senate and House a joint committee of seven members from each body was appointed to investigate and report. Although both

houses of the legislature had a considerable Democratic majority—the party of the Governor—there were eight Whigs and six Democrats on the committee. They took considerable testimony, most of it relating to a curious incident in the bringing to Detroit by the Governor of the cash payment made to him by the Morris Canal and Banking Company in June 1838. Mr. Romeyn had been with him on the trip and on their arrival in Detroit, the money was found to be short by \$4,630. The Committee in its report fully exonerated Gov. Mason in this matter and in relation to the contracts merely referred to the Act authorizing the loan, but implied that the Governor had no authority to pay the agreed commission nor to substitute drafts on the Company for its notes. No objection was suggested to the arrangement by which the bonds were all delivered in advance of payment. Evidently this provision—the source of all the future trouble—did not seem unreasonable or unusual and in fact at least two other states at about the same time made similar arrangements with New York brokers.

The report was submitted April 10, 1839 and ordered printed, but no action was taken, perhaps because the legislature had already passed an Act approved March 30 authorizing the Auditor General to sell the drafts for the next three instalments of the loan and use the proceeds.

The papers to consummate this arrangement were dated March 13, 1839, the Company giving two separate obligations to the State, one for \$1,048,562.50, the other for \$3,145,687.50 making in the aggregate \$4,194,250 which represented the principal sum of \$3,700,000 and the interest at six percent to the due dates of the respective instalments. The United States Bank guaranteed the punctual payment of the sums due under the second obligation and agreed to make the payments itself in case of default by the Company.

Prior to Nov. 10, 1838 the Governor in accordance with the terms of the original contract with the Morris Canal and Banking Company had delivered to it \$500,000 bonds in addition to the \$1,300,000 originally delivered and upon the

execution of the new agreements, the remainder of the total issue \$3,200,000 were delivered. As in many of the reports and statements by the State officials, the total amount of bonds involved is taken as \$5,200,000 it should be borne in mind that in addition to the express authority for the issue of \$5,000,000 bonds for Internal Improvement purposes, there was authorized at about the same time two issues of \$100,000 each for two proposed railroads and Gov. Mason had in December, 1837 sold to Oliver Newberry \$500,000 of the general issue—subsequently reduced to \$200,000 on account of Newberry's failure to complete the purchase and this amount was fully paid for.

-At the time of the new arrangement the Company had paid on its original purchase \$1,100,000 and during the following June settled with the State for the remaining \$200,000 by crediting itself with \$125,000 the $2\frac{1}{2}\%$ commission on the entire \$5,000,000, and with some interest adjustments and cash. This settlement was accepted by the state officials, reported by them to the legislature, and no objection raised. In fact the Governor reported to the Senate March 11, 1839 in response to a resolution by that body that the whole of the March and part of the April instalments were absorbed in the payment of the commission of $2\frac{1}{2}\%$ per cent upon the entire loan.

In his statement to the Committee the Governor said that no security was required of the Company, but reliance was had on the high character and standing of its officers and directors, and mentioned that at the time of the contract the Company as agent of other States had on deposit millions of their bonds. At that time, the stock of the Company was quoted on New York Exchange at 55 to 60. No reference was made to the United States Bank, or the omission to take security from it, presumably because the Bank was so well known, and stood so high, and was by far the largest financial institution in the country, with a capital of \$35,000,000 and a considerable surplus, and its stock selling at the time at

a premium of 25 per cent. With all other Banks it had suspended specie payment in 1837 and had not yet resumed.

The original contract with the Morris Canal and Banking Company made no reference to the payment of interest either by the State on its bonds delivered to the Company or by the Company on its payment instalments. While by the terms of the supplemental contract the State received on the books of the Company a credit for \$1,300,000 payable in the Company's notes, nevertheless the State was not to use them except in instalments extending to June 1839 or a period of a year.

In the arrangement consummated in November 1838 for the taking over of the entire balance of the loan by the Company and Bank, it was provided that the State would be credited with interest from January 1, 1839 up to the maturity of the several instalments of payments to become due. The language used was interpreted in different ways by the parties; the Auditor General of Michigan understanding that interest only on the amount received by the State would be deducted from the payments, while the Company and Bank insisted that interest on the entire \$5,000,000 should be retained.

The Auditor General went to New York in June, 1839 and it was then arranged that the State should pay interest on \$1,300,000 from May 1, 1838 to January 1, 1839 less an agreed amount on the money the State had had on deposit with the Bank, and on \$5,000,000 from the latter date, the Company and Bank to pay interest on each instalment of their payments from January 1, 1839. Thus on July 1, 1839 the first instalment of \$250,000 would fall due and to that was added six months' interest, \$7,500, a total payment of \$257,500. The State in turn on that date would pay interest \$150,000. A complete statement of these payments prepared by the Auditor General shows the total of the fifteen instalments into which the \$3,700,000 purchase was divided was \$4,194,250. Of this amount the Company was to pay \$1,048,562.50 and the Bank \$3,145,687.50. The last instalment—\$200,000—fell

due January 1, 1843 and of the total amount \$494,250 was interest.

During 1839 and 1840 as appears from the annual Reports of the Auditor General and Treasurer, the interest on the \$5,000,000 was deducted from the payments due from the Company and the Bank and after the Company had ceased payments then from the amount due from the Bank.

When the change of administration came in 1841, the new State Treasurer complained strongly of the arrangements with regard to interest—not raising any question about the obligation of the State to pay interest on the entire \$5,000,000 although he then knew and so reported that at least the proportion of the bonds taken over by the Company—one fourth of \$3,700,000—had “long since been disposed of and were in the hands of third parties entirely beyond the Company’s control”.

During the summer of 1839 the Governor spent some time in New York as he had in the previous year married a New York lady, and he heard rumors affecting the standing of both the institutions in whose solvency the State was so much interested, and in November, 1839 he sent Kintzing Pritchette a warm personal friend and at the time Bank Commissioner of Michigan, to New York to cancel, if possible, the contracts with the Morris Canal and Banking Company and the United States Bank and obtain the return of the bonds unpaid for. This praiseworthy action on the part of the Governor was in the next legislature made the ground of a bitter attack by his political enemies.

All payments due on the contract were made during 1839 so that up to and including the payment of January 1, 1840, the State had received on that date \$2,050,000. Mr. Pritchette went East, armed with an appointment as agent of the State to contract for the abrogation of the loan contract. Mr. Edward Biddle had suggested to the Governor that it might be an object to the Bank as well as to the State to have this done, as the market price of these and other state bonds had fallen greatly in Europe. Mr. Pritchette arrived in Philadelphia

November 29th, 1839 and at once wrote to Thomas Dunlop, then President of the Bank of the United States, proposing a negotiation for the surrender of the bonds not paid for. President Dunlop replied on the same day that all the bonds for which the Bank had guaranteed payment, had been sent to Europe and either sold or disposed of for such a time as would prevent any immediate action.

Mr. Pritchette then went to New York and took up negotiations with Edward R. Biddle regarding the bonds held by his Company and in January Biddle proposed to surrender \$307,000 of the bonds and furnish a satisfactory mortgage for \$150,000 in settlement of its obligations to pay quarterly \$62,500—one quarter of the agreed quarterly payment of \$250,000—up to and including October 1, 1841 or seven instalments aggregating \$437,500. This being declined, Biddle made another proposition to liquidate the first five instalments thereafter coming due by agreeing to deliver within eighteen months, Michigan bonds for all in excess of \$150,000 and to give a mortgage for \$150,000 or other state bonds for a like amount, in liquidation. This, Pritchette also declined and finally on January 31, 1840 Biddle proposed to surrender \$150,000 of bonds each half year for two years, the last payment to be \$174,500, a total of \$624,500 and to give two mortgages aggregating \$375,000, the Company to retain out of payments to be made by the United States Bank \$250,000. This in effect admitted an obligation to the State, not guaranteed by the Bank of \$749,500. The actual amount was \$737,500 of principal, not including interest. He also offered to give security that his proposal would be carried out, but required an acceptance within thirty days. This proposal, Pritchette agreed to communicate to the authorities at home and at once left for Michigan.

In the meantime a representative of the United States Bank had resumed negotiations with Mr. Pritchette and on December 28, 1839 proposed to surrender by January 1, 1841, \$2,275,000 bonds and this proposition Mr. Pritchette brought back with him and delivered both proposals to Gov. Mason, now no

longer in office, who promptly transmitted them to the Auditor General and he to Gov. Woodbridge, who had been elected in the previous November and who sent them to both houses of the legislature on February 24, 1840.

The Governor and a majority in both Houses of the new Legislature were Whig, and the election had been characterized by intense political animosities. This delay in acting on the proposal, much greater than provided by Mr. Biddle seems inexplicable.

Committees to consider these proposals were appointed in both Houses, and in both cases, majority and minority reports were made. The majority report in the Senate was plainly intended as a bitter political attack on Ex-Gov. Mason, and it denounced his attempt to change or cancel the original contract for the sale of the bonds, disregarding entirely the fact that the interests of the State were being injured by delay, and that the situation demanded prompt action. All the reports were printed but no action was taken by either House. Even the former Governor's severest critics insisted on continuing his ill-considered arrangement, and by inaction prevented the last possibility of the State securing itself from loss.

During all this time the necessities of the State for money to meet its obligations incurred in constructing the improvements which had been authorized were very great and a bill was introduced at an early date in the legislative session, which became a law on March 20, 1840, authorizing the pledging of the next five instalments of the loan, and at the same session but belatedly in view of all the conditions an Act was passed, approved March 31, requiring the State Treasurer to ascertain whether any portion of the Five Million loan was not well secured and to take such measures as he might deem best in relation to security for the same. The instalment due April 1 from the Morris Canal and Banking Company was defaulted, its proposition to Kintzing Pritchette, thanks to the intense political partisanship of the Legislature, having received no attention.

Robert Stuart of Detroit was Treasurer of the State at the time, having been appointed by Gov. Woodbridge in January, 1840. He was a man of wide experience in the fur trade, was one of the associates in the Astor expedition to Oregon in 1810, and had lived in Detroit since 1835 and was one of the directors of the Bank of Michigan and a strong Whig, therefore in political opposition to Gov. Mason. He acted in the matter referred to him by the legislature, by leaving Detroit, April 18, 1840, going to New York where he first learned of the default of the Company on April 1. On that date the amount of principal of the State bonds for which the Company was indebted was \$737,500 with interest from January 1, 1839. Mr. Stuart soon found the Company was unable to meet its demands and endeavored to obtain security. The Company asked for delay, and he returned to Detroit, but went back to New York in August and took up negotiations which continued until an agreement was made December 9, 1840.

The agreement after reciting the amount due from the Company to the State, provided for the delivery to the State of certain securities, consisting of mortgages, stocks, claims and obligations to deliver quantities of iron, all together having a nominal value of \$621,000. The Company also agreed to pay \$100,000 on or before January 1, 1844 and a like amount yearly until the whole debt with interest was paid. The State on its part agreed not to bring any suit against the Company before January 1, 1844 or thereafter so long as the agreed payments were made. Mr. Stuart succeeded in making the Company pay his expenses and counsel fees amounting in all to \$2,010.

In his report to the Governor, dated January 12, 1841, Mr. Stuart said that in his opinion the securities obtained by him would ultimately be good for at least \$500,000. He also stated that the portion of the loan guaranteed by the Bank of the United States was in his opinion safe and would doubtless be paid. He called attention to the fact that the State bonds retained by the Company had long since been disposed of and

were then in the hands of third parties, entirely beyond the Company's control.

Gov. Woodbridge in transmitting the report to the legislature which he did on January 14, highly commended Mr. Stuart and his action and expressed the opinion that the agreement was clearly authorized by the Act of March 31, 1840 and suggested that provision should be made for the appointment of an agent in New York to care for the securities.

A striking commentary upon the judgment of Mr. Stuart with regard to the United States Bank appears in the fact that it defaulted its payment to the State October 1, 1841, then owing the State a balance of principal of \$1,087,500 of which no part was ever recovered by the State, and from the securities turned over by the Company, valued by him at \$500,000, the State recovered \$23,835.50.

The Committee on Finance of the State Senate, a majority of whom were violently opposed to Gov. Mason, in a report made February 13, 1841 said that "the recent intelligence of the suspension of the United States Bank renders it extremely uncertain whether the future instalments of the \$5,000,000 loan due from that bank will be paid. If the recent suspension of that bank should result in a failure a contingency may arise wherein it will be important that some means should be provided to protect the credit of the state which may be hazarded by the non-payment of the instalments of the interest due the holders of the bonds which fall due in the months of July and January, next, and which has been heretofore deducted from the semi-annual instalments paid by that bank to the State". The suspension referred to was the suspension of specie payments and the Bank continued business for several months thereafter.

No action upon the report was taken until April 13, 1841, when a Joint Resolution was offered in the Senate and subsequently adopted and became effective making the State Treasurer the agent of the State in relation to the securities received.

In the meantime by an Act approved April 10, 1841, the

Auditor General was authorized to anticipate the four instalments of the Five Million loan falling due after April 1, 1841 and the State Treasurer was authorized to pledge the securities obtained from the Morris Canal and Banking Company. On this same day the new Governor J. Wright Gordon (Gov. Woodbridge having been elected to the United States Senate) reported to the Senate the information just received by him that the U. S. Bank had defaulted in its April payment and that its notes were at 15 to 20 per cent discount in New York. He also sent a statement of the interest coming due during the year upon the State loans.

Promptly after the adoption of the Joint Resolution, Mr. Stuart left for New York, where he obtained from the United States Bank the full payment of its instalment due April 1, 1841, but although the bills of the Bank were then at a discount of 14 per cent, he does not seem to have taken any steps to obtain security for the future instalments, nor to have felt they were in danger. At this time there was much discussion in the Philadelphia and New York papers over the condition of the Bank. At the annual meeting in January, 1841, a committee had been appointed to examine the details of the officers' reports submitted at the meeting and report at an adjourned meeting to be held April 5, and this report severely critical of the management, and disclosing large losses, was in print and its substance in the newspapers. It showed, and Mr. Stuart must have known, that the Michigan bonds were pledged for nearly their full value in Europe, and that the book value of the Bank stock did not exceed one half its par value.

The facts were that in October, 1839 Samuel Jaudon, agent of the Bank in London in order to provide a large amount of greatly needed funds for the Bank negotiated loans of over \$12,000,000 pledging as security bonds of several of the states, Pennsylvania, Mississippi, Indiana, Maryland and Michigan. Money was not easy to obtain and commissions and charges were high. The loans were made on the notes or debentures of the Bank secured by the pledge of State bonds, and in one

case the securities were deposited with a banking firm as trustee, the debentures reciting that the security was so deposited. One loan of £800,000 was thus obtained through Dennison & Co. and the security consisted of \$2,662,000 Pennsylvania bonds, \$888,000 Mississippi bonds and \$900,000 Michigan bonds.

Another loan of £900,000 was obtained from Rothschild Brothers of Paris and the collateral in this case consisted of Pennsylvania, Mississippi, Indiana, Illinois and \$1,431,000 Michigan bonds.

A third loan was from Hope & Co. of Amsterdam for 10,000,000 guilders—about \$4,050,000—and included in the security for this were \$1,220,000 of Michigan bonds.

The books of the Bank under date of Dec. 21, 1840 included among its assets as on hand at the home office \$119,756.90 Michigan bonds and at its agency in London unpledged Michigan bonds \$272,000, and deposited as security for loans in Europe \$3,583,000 of the same bonds. At the same date it listed in its liabilities the guarantee to the State of Michigan of \$1,944,750, which included the payments falling due during 1841, 1842 and 1843 with interest to the date of such payments. By payments made in January, April and July, 1841 this liability was reduced to \$1,306,312.50. Not long after the report showing on hand at the agency of the Bank in London \$272,000 of the bonds these were pledged to Morrison and Sons for a loan so that the total amount so pledged was \$3,855,000. It is therefore obvious that the Bank had acquired the entire amount of \$3,700,000 bonds turned over by the State at the time of the new arrangement and had also purchased \$155,000 of the \$1,300,000 bonds which had been fully paid for by the Morris Canal and Banking Company.

The Treasurer apparently took no further steps in the Morris Canal and Banking Company matter, probably because of the clause in his agreement with it to wait until 1844. The Company at that time was in default for five payments of \$62,500 each of principal besides interest and the total amount to be paid by it including the interest upon all instalments



One of the Bonds

to the dates of their respective maturities was \$852,625, of which \$145,125 was interest.

Mr. Stuart reported the result of his trip to the Auditor General and to Mr. Germain the new State Treasurer in July, 1841, but as the United States Bank paid the instalment due July 1, no state official seems to have suffered any apprehension for the future.

The Bank had been in difficulties for some time, with all other banks East and West it suspended specie payments in 1837. In 1840 the legislature of Pennsylvania passed an Act requiring all Banks within the State to resume specie payments by January 15, 1841 and to put the Bank in position to comply with the act, it arranged with the other Banks of the City and County of Philadelphia for them to surrender \$500,000 of its notes and to accept in their place its post notes, payable in 9 to 18 months. It also sent agents to London who sold some securities and pledged others for a loan obtaining by these means £860,000. With these added resources the Bank began redeeming its notes on January 15th but doubt and distrust in its ability to pay had become too widespread. It was known to have made large investments and losses in the South. Its former President, Nicholas Biddle, an able but combative and headstrong executive, who had aroused much antagonism by his contest with Pres. Jackson over the renewal of the charter of the United States Bank and his subsequent action in liquidating that Bank had resigned March 20, 1839 and Thomas Dunlop had been elected in his place.

Notes of the Bank greatly in excess of expectations were presented for payment. Between January 1 and February 4, 1841 the specie was reduced over \$1,730,000 and its outstanding notes \$3,675,000 and its post notes \$500,000.

The strain was too great, and on February 4 the Bank again suspended and never resumed the payment of its notes in specie.

As stated before, at the annual meeting of the Bank on January 4th, 1841 a committee was appointed to examine the reports presented by the officers on the affairs of the Bank

and report at an adjourned meeting to be held April 5th. This report which was printed gave considerable detail of the operation and condition of the Bank and estimated a loss in the assets of \$17,751,946 which would leave the value of the stock about \$45 per share.

Upon the second suspension the banks in and near Philadelphia which had accepted post notes began to press the Bank for security and on May 1, 1841 the Bank made an assignment to trustees of assets of a nominal value of \$7,772,250.33 to secure the payment of the post notes given to the Banks of the City and County of Philadelphia.

On June 7 it made another assignment to different trustees of other assets having a nominal value of \$12,473,800.60 to secure the payment of its circulation, deposits and Bank balances, and finally on September 4th it made a third assignment to five trustees of practically all its corporation stocks and bonds aggregating at the figures at which they were carried on the books of the Bank at a sum considerably in excess of the amount required to pay judgments against the Bank, indemnify a certain estate and all other sureties for the Bank and then pay all other debts ratably. A supplemental assignment was made two days later to make more clear some of the provisions. The claim of the State of Michigan was among those secured by these last assignments.

This was the situation when the legislature met in January, 1842. The State having no funds applicable to the interest on its bonds since the failure of the Bank to make its payments due October 1, 1841 and January 1, 1842, was unable to pay its interest due January 1. Up to that time the Bank had itself paid the interest coupons due July 1, 1839, January 1 and July 1, 1840, and January 1 and July 1, 1841, deducting the amounts from its payments due on those dates to the State. The new legislature as well as the Governor were again Democratic. Gov. John S. Barry was strongly anti-bank in his sentiments, convinced that the only proper money policy for state or nation was coin, and deeply impressed with the great need of the strictest economy in state expenditures,

ruggedly honest, but narrow in his sympathies and outlook.

In his message to the legislature the Governor devoted considerable attention to the state finances, and the internal improvements for which a very large debt had been created. He stated the entire debt of the State, including the \$5,000,000 loan to be upwards of six and one quarter million dollars. There was then due, he said, from the Morris Canal and Banking Company \$852,625 and from the United States Bank \$1,306,312.50. These figures however, included the interest which would have accrued upon the instalments as they fell due, the last one due January 1, 1843.

Referring to the United States Bank he said that its credit was lost and its stock valueless in our eastern cities. Large amounts of American stocks, our own among the rest, are said to have been pledged abroad for temporary loans. The Bank's domestic assets it is understood have passed from its possession by assignments made at different times in behalf of favored creditors. Under these circumstances we can reasonably have no well grounded expectations of obtaining from the Bank the instalments yet due.

"It is due to our character as a people as far as possible under the circumstances to preserve inviolate the public faith. The same principles of equity which bind the consciences and govern the actions of individuals in dealings of a private character ought ever to regulate the conduct of States. More imperative indeed upon them rests the obligations of such principles since their own views of justice and uncontrolled will constitute the only rules of their action. Considerations of expediency, however, are by no means wanting, if any were necessary to strengthen these convictions of duty. I hesitate not to declare that every just debt of the State should be acknowledged and paid; that while she should submit to no wrong, she should herself withhold no well founded right.

"While however we are careful to maintain the faith of the State and to do justice to the public creditor we should be duly impressed with the imperative duty of protecting well

the rights and interests of the people against impositions and unjust exactions”.

The governor then recommended the appointment of one or more qualified persons to obtain the bonds for which the State had received no consideration and to make a settlement with the two institutions bearing in mind the damages which the State had sustained by their failure to complete their contract and if no settlement could be made, the holders and owners of the bonds outstanding should be ascertained and reported.

On January 8th in the Senate a resolution was offered directing the attorney general to give legal notice to every party contracting with the State to purchase bonds and to every owner or holder present or future of such bonds that the State claimed the right to contest them both interest and principal or that portion of them for which the State had not received consideration or payment. On January 12th a substitute was reported and accepted which provided that the notice to be given should be to the effect that the United States Bank of Pennsylvania and the Morris Canal and Banking Company had broken their contracts with the State and had not paid for a part of their bonds and the State had suffered great damage, and reserved the right to contest the payment of all bonds not fully paid for and also to take its damages out of such bonds.

On January 17 a resolution that the doctrine that a state might repudiate an honest debt did not belong to the moral or political code of Michigan was lost by a vote of 8 to 5 and a substitute resolution with some slight amendments was adopted and sent to the House of Representatives for concurrence. The House made some amendments but no final action was ever taken.

In the meantime on January 10, a Joint Resolution had been introduced in the House by Norman Little of Saginaw—a Democrat—with a preamble reciting among other things that “the doctrine of repudiation has been suggested by some of the public newspapers of this state (which may by the holders

of the bonds of this state be supposed to express the sentiments of the people of Michigan)" and then providing that while unable to meet the interest due on the bonds issued by the state they denied the doctrine of repudiation as being the sentiments of the people of Michigan. On January 18, a substitute was offered resolving that the state would not resort to its sovereign power to avoid the payment of its just and honest debts nor would it submit to injustice, and impose increased taxation upon the people to pay interest on bonds not paid for by the holders. The original resolution and substitute were referred to the Committee on Ways and Means of which John Norvell of Detroit was chairman. Mr. Norvell was one of the most prominent Democrats in Michigan, coming to the State in 1832 as the appointed Postmaster of Detroit, after spending the preceding 16 years as editor of a Philadelphia newspaper. He was U. S. Senator from Michigan from 1835 to 1841 and exercised a large influence in his party. On January 26 he offered a resolution with preamble which was on his own motion referred to his own Committee. It provided after reciting the inability of the State for a time to meet its engagements and just liabilities for work done and expenses incurred because of the failure of the United States Bank and the Morris Canal and Banking Company, that they pledged the good faith and resources of the State to pay as soon as possible all just demands on the treasury, looking for her remedy to those who have without any fault on her part, brought the state into her present condition. The wording of his resolution made it specially applicable to the warrants which had been issued in anticipation of the payment of the loan instalments by the Bank and Company.

On February 9 Mr. Norvell from his Committee reported out his resolution. Mr. Little immediately moved to substitute the resolution he had offered January 10. Another substitute was offered pledging the state to pay the five million loan in case of the contractors failing, with interest whenever the state was able to raise the funds by taxation. This substitute was lost with no record vote. Mr. Little's substitute was then

voted on and lost by 40 to 6 and the original resolution was carried by 29 to 20. Mr. Norvell at once introduced a bill which became law February 17, 1842 requiring the Auditor General and State Treasurer to make out a full statement of all the moneys received by the State on its \$5,200,000 bonds issued for internal improvements and railroads, with interest thereon at six percent to July 1, 1841, and also requiring them to make an estimate of the damages caused to the State by the failure of the contracting parties to pay as agreed and deduct the damages from the first amount and report the same to the Governor who should issue a proclamation to be published in the newspapers of Detroit, New York, and Philadelphia, "that the holders of the bonds for the five million loan of this State will be required to deliver at the office of the state treasurer that the same may be cancelled the amount of said bonds for which no equivalent shall be ascertained to have been received by the State as hereinbefore provided, or that the whole amount of said bonds may be so returned and thereupon new bonds will be issued for the amount found due by the state to the holders of the original bonds".

On February 14 a select committee of the Senate which had been appointed February 5 to investigate and ascertain the real value of the demands of the State against the Morris Canal and Banking Company made a report that the present worth of the securities for this claim did not exceed \$350,000.

On the last day of the session, February 17, the Legislature evidently fearing that too much power had been given to the Auditor General and State Treasurer in the fixing of damages passed a joint resolution fixing the damages sustained by the state at twenty-five per cent of the unpaid instalments.

It must be admitted that this was an extraordinary action. The state had sold its bonds and delivered them to the buyers and accepted their obligations to pay for the bonds in certain instalments. It knew the buyers would in turn dispose of the bonds to others, and would use the proceeds in the payment of the purchase price. They did sell or pledge the bonds to various persons in America and Europe and no evidence

was ever produced attacking the good faith of the purchasers or pledgees.

It is true the original buyers defaulted in their contract in that they did not make their payments as agreed, but if the State had applied in its own behalf the only rule of damages which in any Court of any civilized state has ever been recognized when a debtor fails to pay his creditor as agreed, it could have charged the defaulters with no more than the agreed rate of interest upon their obligations. Instead, however, of following such well recognized rule it arbitrarily fixed as the damages a very large and unjustifiable percentage of the amount due to it, a percentage which the State itself later admitted to be unjustified.

The message of the Governor stated the amount due from the Morris Canal and Banking Company as \$852,625 and from the United States Bank as \$1,306,312.50. These sums included the interest upon the agreed instalments up to the date of their respective maturities, the last instalment being due January 1, 1843. The Auditor General and State Treasurer reported the amount for which the State was indebted to the holders of the entire \$5,200,000 bonds for which it had not received full consideration as \$2,342,960.24.

It appears from a communication from the Auditor General dated January 30, 1845 that this Report was made April 23, 1842 and at that date they found the amount unpaid on the total purchase to be \$1,844,106.54 and the damages at the rate fixed by the Resolution \$461,026.63½, and deducting this amount from the amount paid by the Bank and Company left as the net proceeds on \$3,813,000 bonds held by the United States Bank or its pledgees, \$998,000 and therefore the amount of bonds belonging to the State left in possession of the Bank, for which no equivalent had been received, was \$2,815,000 or omitting damages about \$2,354,000.

The method by which these figures were arrived at was not given and it is now difficult to ascertain it. Of the entire issues—\$5,200,000—\$200,000 was taken and fully paid for by Newberry, \$1,300,000 was fully paid for by the Morris Canal

and Banking Company, before the obligations with regard to the remaining \$3,700,000 began to fall due. It is true that as a part of the final payment on the \$1,300,000 the Company deducted its full commission of $2\frac{1}{2}\%$ per cent on the entire \$5,000,000, but the State officials and Legislature had accepted it without protest.

Under the arrangement by which the United States Bank became interested \$3,700,000 of bonds were delivered and the obligation therefor of the Bank and Company including interest upon the instalments until due aggregated for the Bank \$3,145,687.50 and for the Company \$1,148,562.50 a total of \$4,194,250. Of this amount the Bank had paid by July 1, 1841 \$1,839,375 and the Company by January 1, 1840 \$195,937.50 leaving unpaid the amounts stated in the governor's message. If the principal sum of the bonds is considered the Company assumed \$925,000 and paid \$187,500, leaving unpaid \$737,500 with interest from January 1, 1839. The Bank assumed \$2,775,000 and paid \$1,687,500 leaving due from it \$1,087,500 with interest from the same date. Interest on the total sums unpaid from January 1, 1839 to the date of the governor's message—three years—would make the actual amount due at that date \$2,153,500. Computing interest to April 23, 1842 would add \$34,066.52 or a total of \$2,187,566.52.

Interest due from the State since July 1, 1841 upon at least the amount the State had received of principal—\$1,875,000—or \$91,250, should be deducted leaving the actual net amount due to the State on April 23, 1842—if a settlement in full had been made on that day—of \$2,096,316.52 and an amount owed by the State on the \$3,700,000 bonds of \$1,603,683.48 to which should be added the Newberry \$200,000 and the Company \$1,300,000 or a total of \$3,103,683.48.

Following the direction of the legislative Act the governor on April 27, 1842 issued the following:

"By his Excellency, John S. Barry, Governor in and over the State of Michigan,

A Proclamation

Whereas, the Auditor General and State Treasurer of the State of Michigan, pursuant to "An Act to provide for the adjustment of the five million loan," approved February 15th, A. D. 1842, have made out a statement of all moneys issued in pursuance of "An Act authorizing the loan of a sum not exceeding five millions of dollars," approved March 21, 1837, and upon the State bonds for two hundred thousand dollars issued under "An act authorizing a loan of one hundred thousand dollars for the relief of the Allegan and Marshall Railroad Company," approved April 6, 1838, and "An act authorizing the loan of a sum not exceeding one hundred thousand dollars, for the benefit of the Ypsilanti and Tecumseh Railroad Company," approved April 6, 1838, and negotiated with said five million loan; and of the interest thereon accruing to the first day of July, 1841:—And whereas, the said Auditor General and State Treasurer, as by said first mentioned Act directed, and pursuant to the provisions of a "Joint resolution in relation to the adjustment of the five million loan," approved February 17, 1842, have made out, in connexion with said statement, an estimate of damages sustained by the State, from the failure of the contracting parties, with whom was negotiated said loans, to pay the instalments remaining unpaid:—And whereas, by said statement, after deducting therefrom the said estimate of damages, as directly by said act first above mentioned, there appears due from the State of Michigan to the holders of said bonds, the sum of two millions, three hundred forty-two thousand, nine hundred and sixty 24-100 dollars:—And whereas, the said statement and estimate with the result, have been submitted to me, as by said first mentioned Act required, and the same found to be correct:—

"Therefore, I, John S. Barry, Governor in and over the State of Michigan, in accordance with the requirements of the said first recited Act, do hereby issue this my proclamation, to require the holders of the bonds, issued in pursuance of the Acts aforesaid, to deliver at the office of the State Treasurer of the State of Michigan, two millions, eight hun-

dred fifty-seven thousand and thirty-nine 76-100 dollars of said bonds, that the same may be cancelled, being the amount now outstanding, for which no consideration has been received by said State, as appears by the statement aforesaid; or the holders at their option, may return the whole amount of said bonds to said State Treasurer, and in such case new bonds will be issued for the said amount of two millions, three hundred and forty-two thousand nine hundred and sixty twenty-four one hundredths dollars, so found due as aforesaid, to the holders of the original bonds.

"And I do hereby give further notice, that upon the return of the unsatisfied portion of the original bonds, or upon the issue of new bonds as above set forth, the Auditor General, State Treasurer and Secretary of State, under the sanction of the Governor, are authorized by the said Act first above recited, to enter into a negotiation with the holders of all or any of the then outstanding State bonds, or with such other person or persons as may purpose to become the purchaser or purchasers of said bonds, to sell and convey in satisfaction thereof the railroads or other public works belonging to the State, at the first cost, or at a fair present valuation; and also such portion as may be necessary of the public lands, that will become the property of the State, under the act of the Congress of the United States granting to the State of Michigan, half a million of acres; but that the terms and conditions of such negotiations, before the same becomes binding and obligatory upon the State must be submitted to and approved by the legislature.

"In testimony whereof I have hereunto set my hand, and caused the Great Seal of the State to be affixed. Done at the City of Detroit, the twenty-seventh day of April, in the year of our Lord one thousand eight hundred and forty-two, and of the independence of the United States of America, the sixty-sixth.

By the Governor.

JOHN S. BARRY."

R. P. Eldredge, Sec. State.

December 6, 1842 the State Treasurer sent a report to the

Governor giving in detail the present ownership of the entire \$5,200,000 of bonds comprehended in the original authority for sale given to Gov. Mason. From this it appears there were issued 1900 bonds of \$1000 each and 1100 bonds of \$3,000 each. Of the \$200,000 taken and paid for by Newberry \$175,000 passed into the hands of New York State banks with the exception of \$5,000 and \$25,000 which came by purchase to the United States Bank and were among those pledged by it with its foreign connections. In the latter class were also \$17,000 which had come to the United States Bank by purchase after they had originally been sold to other purchasers and paid for by them.

At the date of this report there were \$1,345,000 of the bonds owned in America (including \$50,000 owned by an Englishman but bought in the United States) and \$4,855,000 pledged in Europe by the United States Bank. Interest had not been paid on the bonds since July 1, 1841 and no bondholder had shown any inclination to accept the terms of the Governor's proclamation.

With matters in this condition the Legislature met in January, 1843 and Gov. Barry in his annual message devoted considerable attention to the situation. He referred to the report of the State Treasurer and the hypothecation of the bonds in Europe "on terms not fully transpired" and said "The circumstances of the hypothecation fully warrant the belief that the equity existing between the State and the Bank has been in no way affected by that transaction". He continued "while our relation to our constituents makes it our first duty to protect their interests we are equally bound to do justice to the public creditor of the State. Every just claim should be acknowledged and means of payment provided with the least possible delay. That State which resorts to its sovereignty to avoid pecuniary obligations of which the justice is not denied, while it does not cancel its indebtedness, sets an example that tends directly to subvert all government. By the same rules that bind individuals should states regulate their action, the same moral obligations that require in indi-

viduals the observance of good faith require also the observance on the part of sovereign states. Michigan, while the virtue of her population remains, will never refuse acknowledgement of her just debts nor fail to make payment when the means are within her power. True it is that circumstances have rendered it impossible for the time to meet with promptness all claims upon her treasury; but no disposition has ever been evinced by her constituted authorities to do injustice - - - And while at all times Michigan has so sincerely manifested an ardent wish to fulfil her engagements and preserve her plighted faith inviolate I regret it is not in my power to lay before you some just and equitable proposition from the holders of the bonds of the state for which no consideration has been received and which every principle of justice requires to be surrendered."

It will be remembered that the Act providing for a proclamation by the Governor left it entirely to the State to determine what proportion of any bond had been paid for to the State, and no opportunity was given any bondholder to contest.

When the Legislature met in January, 1843 not a bond had been presented for exchange, which is not strange as both in the Act and the Proclamation no distinction was made between the bonds which purchasers had paid for and for which payment had been made in full to the State, and those bonds which had not been paid for but which had been hypothecated abroad. No interest had been paid on any of these bonds for a year and a half. What action if any, the Legislature would have taken if left to itself is uncertain, but during the first month of the session Mr. Charles Butler of New York City appeared in Detroit, and after consultation with friends and with Gov. Barry sent to the latter on February 1, a communication which the governor transmitted to both houses of the Legislature on February 3. Mr. Butler was a man who in his appearance, standing and experience was entitled to respect and his views carried weight wherever he was known. He was then 41 years of age, a lawyer by profession,

a brother of B. F. Butler, for five years Attorney General of the United States under Presidents Jackson and Van Buren, and was a man of experience in large business transactions, and himself considerably interested in real estate in Michigan. He represented now the Farmers Loan and Trust Company of New York City which had purchased and paid for over \$900,000 of the bonds and also banks in New York and individuals, a total ownership of \$1,362,000.

The letter was a plain statement of facts; he made clear that the bonds he represented had no connection with those turned over to the Bank of the United States and insisted that they should not be mixed up with that concern nor held responsible for its acts nor punished for its defaults or frauds. He called attention to the fact that in the bonds themselves not only was the faith of the State pledged for their payment but in addition the proceeds of the railroads to be built should be used for the same purpose, while in fact the interest had not been paid nor had the income from the railroads been used as agreed. He then suggested that the interest up to January 1, 1844 be funded into new bonds.

The committee on Finance in the Senate to which that part of the governor's message relating to the Five Million Loan had been referred had already made a report on January 27th in which they assumed the debt of the State for this loan at the figure ascertained under the Act and Joint Resolution of 1842 as \$2,518,699 including interest to November 10, 1842, and found resources applicable to that loan of nearly or quite enough to extinguish it without resort to taxation, and this last consideration was evidently regarded as of very great importance.

Following the message from the governor, in the Senate, the message and letter were ordered printed but in the afternoon of the same day this action was rescinded by a vote of 9 to 8. In the House the matter was left until February 8th and was then referred to the Committee on Ways and Means. A joint committee of the Finance Committee of the Senate and the Ways and Means committee of the House sat together

and framed a report which was made to both Houses on February 13th and which was by Joint Resolution of both Houses ordered printed. This report stated: "The State of Michigan recognizes all those bonds for which she has received consideration as an equitable and just debt", and after asserting that such had always been the attitude of the State said that until the present session, the State had never been in a position to distinguish between those bonds for which she had and those for which she had not received consideration and was consequently unable to provide means for the payment of interest on her bona fide bonds, if means had been within her reach. The inconsistency between this language and the Act and Resolution of 1842 is obvious but Mr. Butler was not troubled with that provided they passed the Bill which he had prepared, and which was offered as a substitute for another Bill on the same subject. The Senate passed the Bill on February 24 by a vote of 12 to 4 in the very form in which he proposed it, much to his gratification. But his troubles were only begun. The Bill had many enemies in the House. It was known there was a strong feeling in the State for absolute repudiation, and the end of the session was approaching. Another and separate report on the matter was made to the House and after violent discussion with repudiation or no repudiation as on the question, and amending the Senate Bill by extending the period for which interest should be funded until January 1, 1845, the House passed the Bill by a vote of 28 to 20 and the Senate consented to the amendment and the Bill went to the governor for his signature. Strong influence however was brought to bear upon him to veto the Bill and for a time he wavered but finally in the evening of the last day the Bill was signed and became law. Truly could Mr. Butler say that it was "but the simple truth and what is apparent, that it would not have been settled if I had not come, and that no one else could probably have effected it in the same way."

Miss Campbell
The Act itself, often referred to as the Butler Act, authorized the issue of new state bonds in settlement of the coupons

attached to certain bonds, identified by numbers, of the original \$5,200,000 issues aggregating \$1,387,000. The coupons included those falling due since July 1, 1841 and up to July 1, 1845 with interest upon all the coupons after due, computed to July 1, 1845, these new bonds to mature January 1, 1850 with interest at six per cent payable semi-annually. For the payment of the interest on these bonds the proceeds of the public works of the State with certain deductions were pledged and in the event of that not being sufficient for the purpose, a tax would be levied if necessary. The bonds specified included \$42,000 of the amount pledged abroad, \$34,000 with Hope & Company and \$8,000 with Morrison & Sons.

The Act also, after reciting that a large amount of the bonds of the State had been delivered to the United States Bank and the Morris Canal and Banking Company under a contract of sale, which they had not fulfilled and had paid to the State only a small portion of the contract price, and that it was understood that the bonds had been hypothecated as security for money borrowed, and that the Bank was bound to surrender the bonds upon payment of the amount actually due, then provided that whenever the whole of these bonds were surrendered the Governor was authorized to deliver bonds of the same character of the new bonds first provided for to the amount actually received from the United States Bank, less the deductions specified in the Act of 1842 and the proclamation of the Governor, with interest calculated up to July 1, 1845.

The Report of the Ways and Means Committee of the House, no doubt largely responsible for the passage of the Act, treats the issue of \$5,200,000 bonds as one transaction, coming under the Morris Canal and Banking Company agreement, and the date November 15, 1838 as the fatal date for determining the virtue of the bonds; those sold by the Company prior to that date and paid for in cash were "good", those sold after that date, "bad". The Report ignored the fact that the Company completed the payment for the first \$1,300,000 bonds in accordance with the agreement, and that their information with regard to the date of sale of some of them was uncertain;

✓ it made no reference whatever to the fact that of the whole issue, Newberry had taken and paid for \$200,000 and it conceded only \$998,000 as the amount which the State should acknowledge of the \$3,813,000 part paid bonds.

✓ The newspapers in the State either denounced the Act as repudiation or more or less faint heartedly commended it, depending on whether they were politically Whig or Democratic. Thus the Detroit Gazette, a Democratic paper of March 26, 1843: "So far as the contractors for her (Michigan's) Five Million loan have paid up the instalments, so far may the State be legally and morally bound to reimburse the contractors or their assignees the full amount, principal and interest according to the contract. She is bound to go no further But the mercenary slaves of gold, the usurers and shavers of the old and the new world who subsist and grow rich upon the plunder of the people raise the senseless cry of repudiation whenever doctrines of this kind are advanced And these usurers and their slavish and hired mercenaries dare to impugn the good faith of gallant, enterprising and honorable states because they do not yield to their exorbitant usurious and illegal demands."

✓ The Detroit Adventurer, a Whig newspaper in its issue of March 21, 1843 referring to the Act said "It authorizes semi-repudiation and is but the stepping stone to more deep disgrace. The State which adopts such a policy to hatch up an excuse for the non-payment of her interest for a year or two will hardly stop until both principal and interest are expended." The Legislatures of 1841 and 1843 were Democratic as had also been the Legislature under Gov. Mason and party politics ran high. In the Eastern States the general attitude of the newspapers was condemnation and the action of the State was branded as repudiation. The New York Tribune among others severely scored the State for its action and none defended it.

The North American Review in its number of January, 1844, contained an article on State Debts by R. R. Curtis, later a justice of the United States Supreme Court, in which

he referred to Michigan and its position in relation to the Five Million Loan bonds. After stating the history of the transaction by which the bonds were sold to the Morris Canal and Banking Company and the United States Bank of Pennsylvania, the reporting of this sale by the Governor to the Legislature and no objections being made by the latter body, the subsequent pledging of bonds by the Bank to banking houses in Europe and no evidence that these houses advancing money on these pledges had any notice or knowledge of defect in title in the Bank—the bonds being in form negotiable instruments—the article proceeds: "Every system of law with which we have any acquaintance and certainly the law of Michigan, makes no distinction between the case of these banks and that of bona fide purchasers. We believe the principle to be universally admitted that whenever a purchaser of property acquires a title from the seller which he can transmit although that title be tainted with fraud, if he sells to a bona fide purchaser who parts with his money or any other thing of value on the faith of the property, such purchaser obtains a valid title purged of the fraud. This principle is not only well established but society could hardly get along without it and it is most often and most liberally applied to the sales and transfer of negotiable securities. That the United States Bank of Pennsylvania had a title which it could transmit does not admit of a doubt. The sale negotiated by the Morris Canal and Banking Company might have been open to some objection as they were themselves the agents to sell and seem to have been in some way interested in the purchase, but surely it is too late to object after the Governor who was the immediately authorized agent of the State had with a knowledge of all the facts ratified the contract and delivered the bonds and after the Legislature with all the facts before them had interposed no objection and had taken one third of the purchase money. It would be monstrous to say that because property bought on credit has not been paid for, the holder cannot give a good title to it. Such a doctrine would overset half the sales made in the country. We cannot doubt

the legal and equitable claim of the holders of these bonds to be paid what is due to them to the extent of the amount for which they were pledged."

The State Treasurer in his report in December, 1843, stated that \$367,832.40 of bonds were issuable to care for the interest on the acknowledged bonds and of this amount \$316,648.80 had already been delivered. This report also called attention to the fact that of the \$3,855,000 bonds pledged by the United States Bank \$42,000 were included in the \$1,387,000 specified in the Act of 1843, "and it is therefore uncertain whether new bonds for those \$42,000 or for the amount of the other bonds paid for and held by that Bank may be called for, but whether they are or not, is immaterial as to the amount of the real or acknowledged indebtedness of the State".

When the legislature met in January, 1844, the governor made no reference in his message to the Five Million loan except to state that \$20,829.73 had been collected during the year from the securities taken from the Morris Canal and Banking Company, and that the remainder of the securities were probably worthless. The Auditor General, in his report dated November 30, 1843, stated the amount collected during the year as \$20,955. During the year 1844 the interest of the State in all the remaining securities was sold and \$2,880.50 realized, making a total of \$23,710.23. The following year a small amount additional was realized increasing the total to \$23,835.50.

The passing of the Butler Act aroused considerable feeling in England and Holland where \$3,855,000 of the bonds were in pledge. The London Times and other papers commented severely on the Act as repudiation. With a view of presenting to the English public and the world in general the position of the State, the State Treasurer and Auditor General united in writing a letter to Hon. Edward Everett, then the American Minister to England, setting out in some detail the various steps taken by the State in relation to the bonds.

After warning the English holders of the bonds that it was practically certain that the State would never recognize or pay the bonds except to the extent it had been paid by the

Bank, they indicated that it was stoutly maintained by many that the Bank, not having paid for the bonds according to the contract and having failed while the bonds were its property, the State would not be liable in a court of law even if it could be sued. However, there would be a much better prospect of a proper and patient hearing from the Legislature on all the points that might be suggested in behalf of the bondholders after they had availed themselves of the provisions made for caring for the amount considered by the State to be equitably due. They continued that it had been intimated that the amount for which the bonds had been pledged did not exceed, if it equalled, the amount received by the State. They then gave some figures in the matter, giving as the amount paid by United States Bank on the \$3,813,000 coming into its possession, the sum of \$955,960.25 to which they added interest to July 1, 1845 \$253,520.66 making a total at the latter date of \$1,209,480.91, which divided among the \$3,813,000 bonds would equal \$317.20 for each \$1,000 bond. As a small additional amount had been received from the Canal Company since the foregoing figures were compiled, there should be added \$6.13 to each bond or a total of \$323.33.

This letter was made widely known in England and brought responses which were received by the State officials later in the year and presented to the Legislature by the Governor.

The Governor evidently had some doubts as to the complete justice of the State's position as in his message to the Legislature in January, 1845 he said "Of the justice of the claims presented by the holders of certain outstanding obligations of the State, amounting to, with interest, about three millions for which no consideration has been received and which are not included in the above exhibit of our indebtedness, as I have not the means to judge, I do not here design to speak. The information, however, that has been received seems to warrant the belief that the equity originally existing between the State and the late Bank of the United States has been in no way affected by the transfer of the securities by that institution to their present holders. Of the justice of the

indebtedness of the State recognized and provided for by the acts of February 17, 1842 and of March 8, 1843 no doubt exists. I may be permitted to suggest as worthy of your enquiry whether the amount of damages claimed under the first mentioned act upon unpaid instalments of the Five Million Loan were not greater than would be demanded or paid had the transaction occurred between individuals and been wholly of a private character”.

Later in the session, on February 13, 1845 the Governor sent to the legislature three letters from English holders of bonds, one signed by eleven different individuals or companies, one by the Secretary of a Committee of Michigan bond holders and one by Morrison Sons & Co. The first letter represented the bonds which had been pledged by the United States Bank to Denison & Co. of London amounting to \$900,000. It stated that in October, 1839 the Bank of the United States borrowed in London £800,000 and delivered to Denison & Co. in trust, bonds of Pennsylvania, Mississippi and Michigan aggregating \$4,422,000—including \$900,000 Michigan bonds—to secure the loan. The Bank had not paid the loan or any part of it and the securities were not of enough value to pay it. The letter then proceeded to argue that as Denison & Co. and the purchasers from them—the signers of the letter—were purchasers in good faith without notice or knowledge of any claim on the part of the State and had paid more than full value for the bonds they would be entitled in any Court of the United States to receive full payment if it were a question between individuals.

It was further argued that there was no distinction between the bonds sold in the United States and those in Europe. The State made a single contract of sale of the entire \$5,000,000 bonds and the purchasers agreed to pay the whole price in instalments and actually paid several instalments, but these should not justly be considered payment in full for the particular bonds recognized by the legislature in 1843. The letter recognizing that Michigan was above the compulsion of Courts, nevertheless asked justice in favor of individuals who in taking

her bonds relied solely upon the good faith of an American State.

The second letter, after referring to the letter to Minister Everett, called attention to the terms of sale of the bonds by which the State consented to look to the Morris Canal and Banking Company and the United States Bank and them only for the payment of the bonds and therefore the State was bound for the full payment to any parties who had given value for them to the Bank. It then refers to the claim of the State to deduct a large sum in the plea of damages and asserts "this extraordinary claim" while valid against the Bank, was without right against the holders of the bonds who advanced their money without having any reason to doubt the full right of the Bank to pledge the bonds. Such loss as might occur was due to the failure of persons trusted by the State, which might easily have protected itself. The letter is an able argument in behalf of the bondholders.

The third letter stated that the writers had advanced the United States Bank a large amount of money, which had been largely repaid through the sale of securities deposited as collateral for the advance, but after such reduction there remained £57,921, 10s, for which their only security was \$262,000 Michigan bonds.

These letters were referred to a joint Committee of the Senate and House. The Committee reported March 11 and the Legislature adjourned March 24 without taking any action.

It must be admitted that the Report of the Committee reads very much as if prepared by a pettifogging lawyer in behalf of a client with a bad case, devoting considerable space to matters of no importance and finally basing their only defense upon two propositions, first, that bonds issued by a State cannot be regarded as commercial paper, giving the innocent holder before due the right of recovery without reference to the equities between the original parties, and second, that the legal and equitable rights of the holders of such bonds by absolute purchase are widely different from those of holders by pledge as collateral security. In the latter case the holder

must first exhaust his main or principal asset—the liability of the debtor—before resorting to the security and this had not been done as the stock of the United States was even then quoted at $5\frac{1}{2}$ to $6\frac{3}{8}$.

The legal doctrines thus propounded by the Committee find no support in any legal treatise or Court decision. No claim was made by the Committee that the contract of sale made by the State was not duly authorized or that the bonds were delivered to the Canal and Banking Company and Bank without authority or that it was not the expectation of the State that the bonds would be sold by the Company and Bank and then paid for to the State.

✓ It is clear that legally and morally if the bonds had remained in the possession and ownership of the United States Bank, the State would have had no further obligation than the amount actually paid by the Bank or the Canal Company, as undoubtedly the Bank, in taking over the bonds of the Company, would be held to have taken them with full knowledge of all the facts.

✓ However, when the bonds—negotiable instruments—passed as security for loans into the hands of good faith lenders in Europe—and no word of evidence was ever produced, nor in all probability could have been produced, even tending to show that the European lenders were not acting in the utmost good faith—the above situation ceased to exist, and the State of Michigan became indebted to those bondholders regardless of the equities between it and the United States Bank. The fact that the instruments were state bonds did not affect the situation. In a case before the Supreme Court of Alabama, where railroad bonds, endorsed by the state officials acting under a state law, were delivered to a contractor, who sold them to good faith purchasers—this sale being contrary to an agreement between the contractor and the State,—the Court held that the bonds were negotiable instruments and governed by the same rules as other commercial paper and the State would be liable to any bona fide holder for value.

The Supreme Court of South Carolina, in a case where state

bonds were stolen by a clerk in a state office and sold, and the plaintiff was a bona fide holder of such bonds for value before maturity, held that the state incurred the same responsibility in issuing the bonds—negotiable instruments—as an individual and was liable on those facts. The same principle has been applied in the Courts of other States and in the United States Supreme Court, and no Court has held to the contrary.

At a later period the State of Michigan was confronted with the same legal situation, but acted on that occasion in conformity with the well settled rule, and without hesitation. The State Treasurer in 1859, having possession of a large amount of State bonds, issued for the construction of the St. Mary's Ship Canal, parted with \$50,000 of the bonds without obtaining cash or security, and without any right or authority whatever for such action. The parties obtaining the bonds sold them, and when the transaction came to the knowledge of the Governor and Attorney General, they acted promptly, but finding that the bonds had been sold and had passed from the control of the first parties, conceded that the State's rights on the bonds were lost and they obtained what security they could but were not able to prevent a considerable loss to the State.

It will be remembered that the Act of 1843 practically required *all* the so-called part paid bonds to be surrendered before new bonds for the reduced amount could be issued. This provision, as well as the hope of the foreign holders that their full rights would be recognized brought about the result that none of those bonds were turned in for some years.

In January, 1846 the new Governor—Alpheus S. Felch,—in his message to the legislature made reference to this debt and to the question of selling the state railroads as a means of providing funds to liquidate the amount of just debt. The State Treasurer in his Report stated that of the recognized bonds, the coupons on all but \$14,000 had been surrendered and new bonds issued for them, and bonds of the amount of \$363,324 issued in funding their coupons.

It appears from the report of the Auditor General, March 10, 1846 to the Senate, that the State had received on the principal of the \$3,813,000 bonds delivered to the Bank and Canal Company up to July, 1841, the date of the last payment by the Bank, \$1,208,615.22 and since that date from the assets of the Canal Company \$23,835.50. The Bank and Company had in addition accounted to the State in its payments and credited it with interest on the State bonds to the same date \$507,487.01. Charging the Bank and Company with interest upon their instalments as payable up to the same date \$82,449.63 would leave the actual amount of indebtedness on the part of the purchasers July 1, 1841 to complete their purchase the difference between the purchase price \$3,813,000 with interest to that date, a total of \$3,895,449.63 and the payments made including principal and bond interest aggregating \$1,716,102.23 or \$2,179,347.40.

Based upon these figures it may be said that if the State bonds had been on July 1, 1841 in the possession or ownership of the Bank and Canal Company, the State could lawfully and equitably have said, Deliver all the bonds and we will cancel them and issue new ones for \$1,716,102.23 or \$450.06 for every \$1,000 bond. This figure is based on the assumption that the Bank and the Canal Company should be treated as a single purchaser and from the intimate relation existing between the two concerns, that assumption is justifiable. The State, if it had chosen to present and pursue its claim against the Bank, could without doubt, in view of the Bank having taken over all the bonds from the Canal Company, have insisted that the Bank was liable for this entire amount.

However, the bonds were not in the possession or full ownership of the Bank, they were in the hands of good faith pledgees for value, and after the repudiation of the Mississippi bonds, which thereby became worthless, the pledgees were certain to lose, even if the Michigan bonds were paid in full. They had, however, a double remedy, first on the direct obligation of the

United States Bank and second, by utilizing the bonds collateral to that obligation.

Morally the State might have been justified in saying to the foreign bondholders: As between the Bank and the State, the State should repay only the amount it has received, as between you and the State, the latter is bound to the full payment of its bonds. However, under the circumstances, and the financial conditions being such that we are now literally unable to pay at present, we suggest that you proceed promptly to enforce the obligation of the Bank, from which you can realize on your remaining collateral, not Michigan bonds, which is absolutely good, and then the State will pay to you such percentage on its bonds as will be necessary to make you whole.

In the Senate the Committee on Finance to whom was referred that portion of the Governor's message relating to this matter, including the sale of the public works of the State, made an exhaustive report, and after stating the amount of the debt acknowledged and unacknowledged said:

"The committee in calculating the amount of this indebtedness have not deducted the damages on account of the unpaid bonds. It is scarcely to be supposed that our bondholders will ever consent to an adjustment for less than the sum which has actually been received by the State. Such a demand on our part would not under the circumstances be justified nor is it at all evident that the failure to pay the remainder has been any damage to the State. If the whole amount of five millions had actually come into our hands, it may well be doubted whether the embarrassments of the State would not have been greater than they are at present."

Later in the session the Auditor General in response to a request from the Senate sent to it the method by which the figure of \$1,208,615.22 had been arrived at, as the amount of principal received up to July 1, 1841 on the \$3,813,000 bonds.

The Reports of the State Treasurer show that the State received from the Morris Canal and Banking Company, in 1838. \$900,000, in 1839 prior to July 1, \$200,000 and by settle-

ment through interest, commissions, etc. \$200,000 making a total payment by the Company of \$1,300,000 or the full purchase price of that amount of bonds delivered to the Company under the original agreement.

In the transaction in November, 1838 when the United States Bank entered into the affair, the amount of bonds in which the Bank was to be interested was fixed at \$3,700,000 and the agreement which the State accepted as fixing the Bank's liability stated that sum, although the State in determining its own liability to the bondholders assumed the Bank's obligations at \$3,813,000.

The Auditor General's statement began with July 1, 1839 and assumed a balance unpaid of \$3,813,000 and credited the Bank with a payment of \$200,000 July 1, \$105,000, October 1, \$98,239.17, November 1, \$68,242.59, January 1, 1840, \$201,562.50, April 1, \$48,562.50, July 1, \$207,187.50, October 1, \$54,000, January 1, 1841, \$116,383.46, April 1, \$59,625, July 1, or a total of \$1,208,615.22. Interest upon these various payments to July 1, 1841 amounted to \$82,449.63. It will be observed that no credit was given for interest upon the outstanding bonds or even upon the \$1,187,000 which the State admitted had passed into the hands of bona fide purchasers before November 15, 1838 and which interest was paid by the Bank up to and including July 1, 1841. In fact the Bank, in its payments up to that date, regularly deducted the semi-annual interest on the entire \$5,000,000 bonds, and its action in so doing was assented to by the State officials without complaint.

In the same statement the Auditor General states that the Bank had during the same period retained as interest on the \$3,813,000 unrecognized bonds \$507,487.01 and then concludes that the true amount due on the unrecognized bonds including the collection from the Canal Company's assets was on July 1, 1841 \$1,314,900.25.

The feeling throughout the State was so strongly in favor of selling such of its public works as might find purchasers, and from the proceeds reduce the public debt that Acts were

passed authorizing the sale of both the Central and Southern railroads, the former for \$2,000,000 and the latter for \$500,000, and they provided that the purchasers might pay in bonds of the State, either the so-called full paid bonds and bonds issued for the payment of their coupons, or the part paid bonds at the rate of \$403.886 for each \$1,000 bond and interest thereafter at the rate of 6 per cent upon \$302.73 for each \$1,000 of each bond.

It seems that this particular figure was arrived at by deducting from the amount received, fixed at \$1,232,450.72, three per cent of the unpaid amount of the bonds under the claim of damages. If to the amount received by the State from the United States Bank there is added the amount collected from the Morris Canal and Banking Company the total amount received by the State was equal to \$323.22 for each \$1,000 bond and that is the amount provided in the Bill in the form it was first presented to the House of Representatives; this was changed before the passage of the Bill by the House to \$312.917, and in the Senate reduced to \$302.73 and accepted by the House, and became law.

The amount of \$1,232,450.72 includes merely the amount of instalments actually paid to the State without crediting any interest whatever on such payments, which computed to July 1, 1841 amounted to \$82,449.63 and without crediting the interest on unrecognized State bonds which was reserved or paid by the United States Bank amounting to \$507,487.01 and which deduction by the Bank was accepted by the State as entirely proper and in accordance with the contract until 1843.

During the same session the Senate also passed a Bill to suspend for 2 years the act of 1843 making provision for payment of interest on what were then generally known as the Butler bonds. This was reported in New York and at once the President of the Farmers Loan and Trust Company of New York, the largest holder of these bonds and George Griswold also holding some of them, united in a remonstrance to the legislature against such action, which they urged would not only be grossly unjust but would inflict irreparable

injury upon the credit and character of the State. Before this remonstrance had been received, the House had acted upon the Bill and refused to adopt it, which disposed of the matter.

When the legislature met in January, 1847, the Governor in his message reported the sale of the Central and Southern railroads and the receipt from the former of \$914,000 in the "Butler" Bonds and \$6,357.33 in part paid bonds. He also called attention to the provision of the Act of 1843 proposing to issue new bonds upon the surrender of all bonds of this class and stated that a recent distribution of them had been made among the individual creditors of the United States Bank to whom they were pledged for security and concluded that all difficulties over the exchange were thus obviated, but suggested a modification of the law permitting any portion of the bonds to be surrendered and also reducing the amount to be deducted for damages.

The Auditor General in his Report also called attention to the condition of this debt, and that no offers of compliance with the conditions of the Act of 1843 had been made by the holders of the bonds, and suggested "that every principle of sound policy requires not only an early and equitable adjustment of this debt, but also a speedy extinguishment of it as the ability of the state will permit". The Legislature, however, took no action in the matter.

The facts in relation to the distribution of the Michigan bonds held as collateral in England were that in 1844 a considerable number of those in England who held the debentures of the Bank secured by the collateral deposited with Denison & Co. had accepted their proportion of the collateral and released the Bank, but owners of debentures aggregating £422,500, had not done so and between June 8, 1844 and March 6, 1849 the remaining collateral for this loan was sold leaving a deficiency of over \$600,000 which was presented as a claim against the Bank under the assignment.

George Peabody, the noted American philanthropist, who was however, for many years a banker in London, was the

owner of a large amount of Michigan bonds purchased under the Denison trust, and also under the Rothschild loan, and presented his claim against the Bank. Hope & Co. did not sell their collateral but presented their claim against the Bank, as did Rothschild Brothers for that portion of their loan which they had not sold to others, although nearly one-half of their original loan had been satisfied by the holders accepting the collateral.

Upon the presentation for allowance of these claims to the Trustees under the assignments of September, 1841, the Trustees insisted that the claimants should first realize on their collateral or account for its value, and not until that was done could their claim for the balance be allowed. This difference in opinion resulted in the matter being taken into Court, and the Supreme Court of Pennsylvania decided (20 Pa. St. Rep. 454) that creditors were entitled to bring action against their debtors without first resorting to their collateral. Following this decision, the claims of Hope and Company and the English creditors were allowed.

In January, 1848, the new Governor—Epaphroditus Ransom—in his message invited the special consideration of the Legislature to these bonds and commended the suggestions of the Auditor General, who in his Report, after stating that no great amount of the \$3,813,000 delivered to the United States Bank had been surrendered again called attention to the Act of 1843 and its requirement that *all* the bonds must be surrendered before *new* bonds could be issued, and its provision for deduction of 25% for damages, while the Act of 1846 authorized their reception by the State in payment of the Central and Southern Railroads upon a deduction of 3%—under which arrangement \$199,000 had been paid in—he suggested that the law be modified so that any bondholder might surrender his bonds upon the same basis of allowance as provided in the Act of 1846.

The legislature adopted the suggestions and passed an Act approved April 1, 1848, which after reciting that the holders of the part paid five million loan bonds had not surrendered

them up for adjustment and that doubts were entertained as to the power of surrendering a part only of such bonds and as the legislature in 1846 had reduced the rate of damages claimed from twenty-five to three per cent on the unpaid portion of said bonds, then provided that the holder of any part of said bonds might surrender them and receive new bonds at the rate of \$403.88 for each \$1,000 of bonds which amount included interest due up to January 1, 1846, adding for subsequent interest six per cent upon \$302.73 for each \$1,000 to be computed up to the first day of January following the surrender.

The Act further assigned to the holders of the part paid bonds all amounts due to the State from the United States Bank and the Morris Canal and Banking Company but provided that this should not be regarded as a recognition on the part of the State of any indebtedness by the State beyond the amount which it had acknowledged receiving.

At the time of the passage of this Act, the legislature had before it the report of the Auditor General of date December 1, 1847 showing that there were then outstanding \$3,614,000 of the part paid bonds on which the State had actually received \$1,145,537.74 and in addition from the Morris Canal and Banking Company assets \$23,835.50, a total of \$1,169,373.24. From this amount was deducted three per cent for damages on \$2,468,462.26—the amount unpaid of the outstanding \$3,614,000 part paid bonds—or \$74,053.86, leaving a net credit on these bonds, exclusive of interest of \$1,095,319.38, or a net amount of \$2,518,680.62 which the State refused to acknowledge.

At the same time through the sale of the Michigan Central and Michigan Southern Railroads the State had received of the bonds which it denominated "full paid" \$1,125,000, leaving only \$262,000 of this class outstanding. It had also received from the Michigan Central Railroad sale \$199,000 of the part paid bonds at the rate provided by the Act of 1846.

The report of the Auditor General to the legislature of 1850 showed that there had not been much enthusiasm on the

part of the holders of the part paid bonds to take advantage of the State's offer, as at that time only \$83,000 more of these bonds has been surrendered, \$50,000 of which were used by the purchasers of the Michigan Southern Railroad.

This was the situation when the Constitutional Convention of 1850 met to frame a new constitution for the State. By this time the public opinion of the State had apparently settled upon the conclusion that whether right or wrong the final stand upon the matter had been taken, and the Convention adopted without any discussion as a part of the Article on "Finance and Taxation" the provision "The unfunded debt shall not be funded or redeemed at a value exceeding that established by law in eighteen hundred forty-eight".

The holders of the part paid bonds however continued obdurate and only small amounts were surrendered so that the Auditor General in his report in December, 1853 recommended that interest be stopped on all part paid bonds not surrendered within a time to be fixed. He renewed the recommendation in his report in 1854 and the legislature responded by passing an Act approved February 12, 1855 requiring the holders of such bonds to present them within six months, and if they failed to do so no interest should be allowed after that time.

This action produced results as the Auditor General in his report for the fiscal year ending November 30, 1856 was able to say that there remained outstanding only \$215,000 of the bonds, all others having been surrendered and refunded at the rate provided by law. The State Treasurer in his report for the same period evidently felt it still incumbent on the State to justify itself, saying "It is a matter of much gratification to be able to state that this unfortunate loan has been finally adjusted and that the actual amount of the State indebtedness is now determined. In this adjustment no injustice has been done to the bondholders as it is certain that they received them only as collateral security from the United States Bank of Philadelphia for loans made to said Bank with the full knowledge of the fact that the State had received but a part of the money upon them, and in the adjustment of these

bonds the State has given the new bonds for the full amount received by her including the interest thereon which must be at once acknowledged to be just and equitable". Unfortunately he neglected to produce or refer to any testimony as to the knowledge on the part of the bondholders of the fact that the United States Bank had not paid the State or how such knowledge would affect the liability of the state.

Among those surrendering their bonds was George Peabody, who did not accept in silence the compulsory surrender of his bonds, but filed a strong forceful protest against the injustice of the transaction. He said:

"Be it known to all persons unto whom these presents may come, that in surrendering the said Bonds, so held by us, and in accepting new Bonds at such reduced rates, on said surrender, who do hereby Solemnly protest and declare that we do the same only because, under the laws of said State, we have no other means of obtaining any payment or satisfaction in part, or in whole, that we claim and insist and shall forever hereafter claim and insist, that, as bona fide holders of said above described Bonds, and having received and paid for the same in good faith, and relying on the faith and credit of the said State of Michigan, for the full payment of the same, we are in good faith and in law entitled to demand and have, of and from said State, the full amount of money secured and payable on the face of the said above numbered Bonds, and the Coupons thereto attached, according to the tenor thereof without abatement; and on said claim we will at all times hereafter assert and maintain, whensoever and wheresoever we may have lawful means and opportunity—Wherefore we do protest against the refusal of said State to make full adjustment of our said Bonds, as contrary to our lawful rights; and we further claim and declare that our acceptance of said new Bonds for a less amount and at reduced rates as aforesaid, shall in no sense be considered as a waiver or relinquishment of our just rights hereafter, to demand and seek of said State, the payment and adjustment of the residue,

now refused to be allowed to us on said Bonds first above mentioned.

"New York, May 8, 1857.

George Peabody & Co."

After this date the bonds came in slowly; by 1860 \$45,000 additional had been surrendered, by 1870 the amount outstanding had been reduced to \$57,000, by 1880 to \$21,000 and in 1889 to \$19,000, at which figure it remained until the legislature by Joint Resolution approved May 26, 1899, after reciting the outstanding amount of the bonds and that it was believed that they had been lost or destroyed, directed the State Treasurer to call them in for payment before December 30, 1899 by advertisement in a newspaper in each of the cities of Lansing, Grand Rapids, Detroit, and New York, the notice to state that if they were not presented within the time limited they would be declared forfeited, and directed the Auditor General to discharge upon his records as forfeited to the State all such bonds not so presented.

After the State Treasurer in 1840 obtained the security from the Morris Canal and Banking Company, the State paid but little attention to protecting its interests against that Company, perhaps because of its agreement not to bring suit until 1844 and when that time arrived, the State had taken and emphasized the attitude that it would acknowledge no liability to its bondholders beyond the amount received by it, and the securities were allowed to waste away so that only the trifling amount of \$23,835.50 was ever received from them. The Company's stock continued to have a market value, but its assets had been tied up in a number of questionable and speculative ventures and in 1843, the Courts of New Jersey appointed Receivers of its property, and no further action was ever taken by the State.

The inaction of the State in presenting and prosecuting its claim against the United States Bank seems inexplicable except upon the theory that the State officials and legislature had committed themselves so thoroughly to the proposition that the bonds were not a legal or moral obligation in anybody's hands beyond the amount received by the State—and

even that amount reduced by damages—that they regarded with indifference the obligation of the Bank and the chance of collecting anything from it.

As before stated, the United States Bank made three separate assignments in 1841, to secure different classes of its creditors.

Its total book assets, shortly before its first assignment, were \$68,155,149, with liabilities, exclusive of capital, \$31,426,670, or a surplus to general creditors of \$36,728,478. Included in its assets was \$2,500,000 given as bonus to the State of Pennsylvania for its charter and \$14,450,906 of State bonds deposited and pledged in Europe for loans amounting to \$12,504,069. With a total of about \$19,000,000 of Bills Receivable, over \$10,000,000 were past due and in state of suspension. It had shares in other banks, mostly in the Southern States, aggregating \$2,633,000, most of which were worthless. Its stocks and bonds of other companies, mainly railroads and canals, amounted to about \$8,000,000, and its Banking Houses and other real estate to \$3,886,775. Various State Banks owed it over \$8,000,000 and Bank notes, specie, mortgages and other items made up the grand total.

Its liabilities at the same date consisted of its circulation and post notes \$9,131,090, its guaranty to the State of Michigan \$1,734,750 (subsequently reduced by a payment on July 1.) due to State Banks and to its depositors \$3,312,086, and to Foreign Bankers—outside of its secured loans—\$3,767,878.

At the annual meeting of the stockholders of the Bank, held January 4, 1841, a committee of six was appointed to examine the statement of affairs of the Bank and report at an adjourned meeting to be held April 3. The Committee reported a probable loss in its active assets of \$1,206,929, in its suspended assets, \$5,046,211, in its stocks, \$7,069,409, in its Bank accounts, \$3,366,664, in its holdings of State Bank notes \$87,310, and in its real estate, mortgage and miscellaneous assets enough more to make a total probable loss of \$17,751,946.

This committee also undertook to make a general valuation of the Bank's assets, reducing their value below the book value

about \$18,000,000, which would leave the stock with a proper book value of about 47 per cent.

The different assignments soon followed, and the claim of Michigan, which was referred to in the Committee's Report, was at least partially secured under the third assignment. The Trustees under this assignment acted promptly, but considerable litigation arose, the chief claimants being the foreign purchasers of the Bank's obligations which had been secured by pledge of State bonds. From time to time the Trustees made report to the Court of Common Pleas of the City and County of Philadelphia, which had jurisdiction of such assignments, and paid dividends on the approved claims.

It was generally believed for some time after the assignments that the assets of the Bank would be sufficient to pay all its creditors and leave something for its stockholders. On May 20, 1844, James Robertson, then President of the Bank, and also one of the Trustees in the third assignment wrote to Denison & Company, one of the English creditors, that the stock of the Bank on that day sold in the market for \$14.00 per share, and the stock of the Morris Canal and Banking Company for \$22.00 per share.

In their Report for 1851 the Trustees reported that they had paid to creditors \$627,410.82 or a little over 35 per cent of the claims presented. In June, 1853, a dividend of 7.422 per cent was paid upon claims not receiving the first dividend and later in the same year another dividend of 9.899 per cent. The following year another dividend was paid. At this time the Trustees had left a large amount of scattered assets, among which was a quantity of land located in six counties of Michigan, all of these assets aggregating \$1,525,637.26 in addition to \$42,947.66 cash. By agreement among the creditors all these assets were turned over to a Committee, who were to take them, realize on them and distribute pro rata among the creditors, and on May 15, 1855, the Trustees were discharged.

It will be remembered that the State, by Act of April 1, 1848, authorized the transfer of the rights of the State against the United States Bank and the Morris Canal and Banking

Company to the bondholders who surrendered the so-called part paid bonds, and a few of the bondholders took such assignments. Among these were E. C. Litchfield, who was one of the purchasers of the Michigan Southern Railroad and C. C. Trowbridge, former President of the Bank of Michigan. Trowbridge assigned his claim to A. H. Sibley, who presented his claim to the Trustees, but they required proof, and as Sibley was then in London, his attorney asked for sufficient time to collect and present the evidence, but as this would require some months and they were about closing the trust, permission was refused. Litchfield also seems to have failed so that neither the State of Michigan nor any assignee collected anything from the Bank.

The Committee having in charge the miscellaneous assets—which included land in Michigan conveyed to the Bank by Daniel Webster in payment of a debt—held them for several years and finally pursuant to a Court Order made December 31, 1865, turned them over to George Peabody, one of the large creditors, at the price of \$100,000.00, and this was the final act, closing the record of the relations with Michigan of the United States Bank and its connection with the great loan from which so much development, prosperity and wealth was expected, but which proved a disastrous failure financially and morally to the people of Michigan.

There have been two semi-official defenses of the position taken by the State in relation to these bonds, the first being the letter of the State Treasurer and Auditor General to the U. S. Minister to England, dated July 1, 1844, and which was more an explanation of the terms of the various Acts passed by the Legislature than a defense of them; the second being a letter written January 7, 1878, by H. R. Pratt, Deputy Auditor General of the State, to an enquirer at Chattanooga about the bonds. Mr. Pratt was for many years in the Auditor General's Office and familiar with the records and the attitude taken by the State. After reciting briefly the sale of the bonds to the Morris Canal and Banking Company and the undertaking by the United States Bank and the delivery of

the bonds, he refers to the Report of the State Treasurer December 6, 1842, which said that the hypothecation of the bonds by the United States Bank was made under circumstances that did not affect the equities of the State, and proceeds "The State made strenuous efforts to secure something from the wreck of the two Banks, but with small results, and becoming aware that it would not receive full consideration for the bonds, promptly gave notice that it would consider itself bound to repay only the money it had actually received, and this while the bonds were owned by a bank that had full knowledge of all the facts".

As a matter of fact neither the State Treasurer nor any other State Officer ever produced a scintilla of evidence that the pledges in Europe of the State bonds were legally or equitably affected with any knowledge or notice that the Bank had not complete title to the bonds or that the loans were not made in good faith upon the belief that the Bank had such a title and no notice was given or claim made by the State adverse to the validity of the bonds until more than 2 years after the bonds had passed from the possession of the Bank. The actual facts as to the State's "strenuous efforts" to secure something from the Banks have been stated above. It is probably true that the intense and narrow political partisanship which existed during the period of the issuance and sale of the bonds and during the decade 1840-1850, was mainly responsible for the manner in which the affair was treated, and for the failure to act promptly and energetically in recovering from the Canal Company and the Bank, and this feeling in conjunction with the bad financial condition of the people brought about the unwillingness to look the facts in the face and act accordingly.

MICHIGAN IN 1845

(George) "Nessmuk" of Rochester, New York, describes his hike from Saginaw to Muskegon in October 1845

ABOUT the only inducements I can think of for making a ten days' journey through a strange wilderness, solitary and alone, were a liking for adventure, intense love of nature in her wildest dress, and a strange fondness for being in deep forests by myself.

The choice of route was determined by the fact that two old friends and schoolmates had chosen to cast their lots in Michigan, one near Saginaw Bay, the other among the pines of the Muskegon. And both were a little homesick, and both wrote frequent letters, in which, knowing my weak point, they exhausted their adjectives and adverbs in describing the abundance of game and the marvelous fishing. Now, the Muskegon friend—Davis—was pretty well out of reach. But Pete Williams, only a few miles out of Saginaw, was easily accessible. And so it happened, on a bright October morning, when there came a frost that cut from Maine to Missouri, that a sudden fancy took me to use my new Billingshurst on something larger than squirrels. It took about one minute to decide, and an hour to pack such duffle as I needed for a few weeks in the woods.

Remembering Pete's two brown-eyed "kids", and knowing that they were ague-stricken and homesick, I made place for a few apples and peaches, with a ripe melon. For Pete and I had been chums in Rochester, and I had bunked in his attic on Galusha street, for two years. Also, his babies thought as much of me as of their father. The trip to Saginaw was easy and pleasant. A "Redbird" packet to Buffalo, the old propeller Globe to Lower Saginaw, and a ride of half a day on a buckboard, brought me to Pete William's clearing. Were they glad to see me? Well, I think so. Pete and his wife

This is Chapter VIII in *Woodcraft*, By "Nessmuk", (pen name of George W. Sears), published in New York by Forest and Stream Publishing Co., 1884. This little 16 mo. volume of 149 pages is now somewhat rare. The text used was obtained from Mr. W. B. Mershon* of Saginaw.—Ed.

cried like children, while the two little homesick "kids" laid their silken heads on my knees and sobbed for very joy. When I brought out the apples and peaches, assuring them that these came from the little garden of their old home—liar that I was—their delight was boundless. And the fact that their favorite tree was a "sour bough" while these were sweet, did not shake their faith in the least.

I staid ten days or more with the Williams family, and the fishing and hunting were all that he had said—all that could be asked. The woods swarmed with pigeons and squirrels; grouse, quail, ducks and wild turkeys were too plenty, while a good hunter could scarcely fail of getting a standing shot at a deer in a morning's hunt. But, *oui bono*? What use could be made of fish or game in such a place? They were all half sick, and had little appetite. Mrs. Williams could not endure the smell of fish; they had been cloyed on small game, and surfeited on venison.

My sporting ardor sank to zero. I had the decency not to slaughter game for the love of killing, and leave it to rot, or hook large fish that could not be used. I soon grew restless, and began to think often about the lumber camp on the Muskegon. By surveyor's lines it was hardly more than sixty miles from Pete Williams's clearing to the Joe Davis camp on the Muskegon. "But practically," said Pete, "Joe and I are a thousand miles apart. White men, as a rule, don't undertake to cross this wilderness. The only one I know who has tried it is old Bill Hance; he can tell you all about it."

Hance was the hunting and trapping genius of Saginaw Bay—a man who dwelt in the woods summer and winter, and never trimmed his hair or wore any other covering on his head. Not a misanthrope, or taciturn, but friendly and talkative rather; liking best to live alone, but fond of tramping across the woods to gossip with neighbors; a very tall man withal, and so thin that, as he went rapidly winding and turning among fallen logs, you looked to see him tangle up and tumble in a loose coil, like a wet rope, but he was

better than he looked. He had a high reputation as trailer, guide, or trapper, and was mentioned as a "bad man in a racket." I had met him several times, and as he was decidedly a character, had rather laid myself out to cultivate him. And now that I began to have a strong notion of crossing the woods alone, I took counsel of Bill Hance. Unlike Williams, he thought it perfectly feasible, and rather a neat, gamy thing for a youngster to do. He had crossed the woods several times with surveying parties, and once alone. He knew an Indian trail which led to an old camp within ten miles of the Muskegon, and thought the trail could be followed. It took him a little less than three days to go through; "but," he added, "I naturally travel a little faster in the woods than most men. If you can follow the trail, you ought to get through in a little more'n three days—if you keep moggin'."

One afternoon I carefully packed the knapsack and organized for a long woods tramp. I took little stock in that trail, or the three days' notion as to time. I made calculations on losing the trail the first day, and being out a full week. The outfit consisted of rifle, hatchet, compass, blanket-bag, knapsack and knife. For rations, one loaf of bread, two quarts of meal, two pounds of pork, one pound of sugar, with tea, salt, etc., and a supply of jerked venison. One tin dish, twelve rounds of ammunition, and the bullet-molds, filled the list, and did not make a heavy load.

Early on a crisp, bright October morning I kissed the little fellows good-bye, and started out with Hance, who was to put me on the trail. I left the children with sorrow and pity at heart. I am glad now that my visit was a golden hiatus in the sick monotony of their young lives, and that I was able to brighten a few days of their dreary existence. They had begged for the privilege of sleeping with me on a shake-down from the first; and when, as often happened, a pair of little feverish lips would murmur timidly and pleadingly, "I'm so dry; can I have er drink?" I am thankful that I did not put the pleader off with a sip of tepid water, but

always brought it from the spring, sparkling and cold. For, a twelvemonth later, there were two little graves in a corner of the stump-blackened garden, and two sore hearts in Pete Williams's cabin.

Hance found the trail easily, but the Indians had been gone a long time, and it was filled with leaves, dim, and not easy to follow. It ended as nearly all trails do; it branched off to right and left, grew dimmer and slimmer, degenerated to a deer path, petered out to a squirrel track, ran up a tree, and ended in a knot hole. I was not sorry. It left me free to follow my nose, my inclinations, and—the compass.

There are men who, on finding themselves alone in a pathless forest, become appalled, almost panic stricken. The vastness of an unbroken wilderness subdues them, and they quail before the relentless, untamed forces of nature. These are the men who grow enthusiastic—at home—about sylvan life, outdoor sports, but always strike camp and come home rather sooner than they intended. And there be some who plunge into an unbroken forest with a feeling of fresh, free, invigorating delight, as they might dash into a crisp ocean surf on a hot day. These know that nature is stern, hard, immovable and terrible in unrelenting cruelty. When wintry winds are out and the mercury far below zero, she will allow her most ardent lover to freeze on her snowy breast without waving a leaf in pity, or offering him a match; and scores of her devotees may starve to death in as many different languages before she will offer a loaf of bread. She does not deal in matches and loaves; rather in thunderbolts and granite mountains. And the ashes of her camp-fires bury proud cities. But, like all tyrants, she yields to force, and gives the more, the more she is beaten. She may starve or freeze the poet, the scholar, the scientist; all the same, she has in store food, fuel and shelter, which the skillful, self-reliant woodsman can wring from her savage hand with axe and rifle.

Only to him whose coat of rags
Has pressed at night her regal feet,

Shall come the secrets, strange and sweet,
Of century pines and beetling crags.

For him the goddess shall unlock
The golden secrets which have lain
Ten thousand years, through frost and rain,
Deep in the bosom of the rock.

The trip was a long and tiresome one, considering the distance. There were no hairbreadth escapes; I was not tackled by bears, treed by wolves, or nearly killed by a hand-to-claw "racket" with a panther; and there were no Indians to come sneak-hunting around after hair. But the bright-eyed wood-folk seemed tame, nay, almost friendly, and quite intent on minding their own business. It was a "pigeon year", a "squirrel year", and also a marvelous year for shack, or mast. Every nut-bearing tree was loaded with sweet, well-filled nuts; and this, coupled with the fact that the Indians had left, and the whites had not yet got in, probably accounted for the plentitude of game.

I do not think there was an hour of daylight on the trip when squirrels were not too numerous to be counted, while pigeons were a constant quantity from start to finish. Grouse in the thickets, and quail in the high oak openings, or small prairies, with droves of wild turkey among heavy timber, were met with almost hourly, and there was scarcely a day on which I could not have had a standing shot at a bear. But the most interesting point about the game was—to me, at least,—the marvelous abundance of deer. They were everywhere, on all sorts of ground and among all varieties of timber; very tame they were, too, often stopping to look at the stranger, offering easy shots at short range, and finally going off quite leisurely.

No ardent lover of forest life could be lonely in such company, and in such weather. The only drawback was the harrassing and vexatious manner in which lakes, streams, swamps and marshes constantly persisted in getting across the way, compelling long detours to the north or south, when

the true course was nearly due west. I think there were days on which ten hours of pretty faithful tramping did not result in more than three or four miles of direct headway. The headwaters of the Salt and Chippewa rivers were especially obstructive; and, when more than half the distance was covered, I ran into a tangle of small lakes, marshes and swamps, not marked on the map, which cost a hard day's work to leave behind.

While there were no startling adventures, and no danger connected with the trip, there was a constant succession of incident, that made the lonely tramp far from monotonous. Some of these occurrences were intensely interesting, and a little exciting. Perhaps the brief recital of a few may not be uninteresting at the present day, when game is so rapidly disappearing.

My rifle was a neat, hair-triggered Billingham, carrying sixty round balls to the pound, a muzzle-loader, of course, and a nail-driver. I made just three shots in ten days, and each shot stood for a plump young deer in the "short blue". It seemed wicked to murder such a bright, graceful animal, when no more than the loins and a couple of slices from the ham could be used, leaving the balance to the wolves, who never failed to take possession before I was out of ear shot. But I condoned the excess, if excess it were, by the many chances I allowed to pass, not only on deer but bear, and once a big brute of a wild hog, the wickedest and most formidable looking animal I ever met in the woods. The meeting happened in this wise. I had been bothered and wearied for half a day by a bad piece of low, marshy ground, and had at length struck a dry, rolling oak opening, where I sat down at the root of a small oak to rest. I had scarcely been resting ten minutes, when I caught sight of a large, dirty-white animal, slowly working its way in my direction through the low bushes, evidently nosing around for acorns. I was puzzled to say what it was. It looked like a hog, but stood too high on its legs; and how would such a beast get there anyhow? Nearer and nearer he came, and at last walked out into an open spot less

than twenty yards distant. It was a wild hog of the ugliest and largest description; tall as a yearling, with an unnaturally large head, and dangerous looking tusks, that curved above his savage snout like small horns. There was promise of magnificent power in his immense shoulders, while flanks and hams were disproportionately light. He came out to the open leisurely munching his acorns, or amusing himself by ploughing deep furrows with his nose, and not until within ten yards did he appear to note the presence of a stranger. Suddenly he raised his head and became rigid as though frozen to stone; he was taking an observation. For a few seconds he remained immovable, then his bristles became erect, and with a deep, guttural, grunting noise, he commenced hitching himself along in my direction, sidewise. My hair raised, and in an instant I was on my feet with the cocked rifle to my shoulder—meaning to shoot before his charge, and then make good time up the tree. But there was no need. As I sprang to my feet he sprang for the hazel bushes, and went tearing through them with the speed of a deer, keeping up a succession of snorts and grunts that could be heard long after he had passed out of sight. I am not subject to buck fever, and was disgusted to find myself so badly “rattled” that I could scarcely handle the rifle. At first I was provoked at myself for not getting a good ready and shooting him in the head, as he came out of the bushes; but it was better to let him live. He was not carnivorous, or a beast of prey, and ugly as he was, certainly looked better alive than he would as a porcine corpse. No doubt he relished his acorns as well as though he had been less ugly, and he was a savage power in the forest. Bears love pork, even as a darky loves ‘possum; and the fact that he was picking up a comfortable living in that wilderness, is presumptive evidence that he was a match for the largest bear, or he would have been eaten long before.

Another little incident, in which bruin played a leading part, rises vividly to memory. It was hardly an adventure;

only the meeting of man and bear, and they parted on good terms, with no hardness on either side.

The meeting occurred, as usually was the case with large game, on dry, oak lands, where the undergrowth was hazel, sassafras, and wild grapevine. As before, I had paused for a rest, when I began to catch glimpses of a very black animal working its way among the hazel bushes, under the scattering oaks, and toward me. With no definite intention of shooting, but just to see how easy it might be to kill him, I got a good ready, and waited. Slowly and lazily he nuzzled his way among the trees, sitting up occasionally to crunch acorns, until he was within twenty-five yards of me, with the bright head neatly showing at the butt of his ear, and he sitting on his haunches, calmly chewing his acorns, oblivious of danger. He was the shortest-legged, blackest, and glossiest bear I had ever seen; and such a fair shot. But I could not use either skin or meat, and he was a splendid picture just as he sat. Shot down and left to taint the blessed air, he would not look as wholesome, let alone that it would be unwarrantable murder. And so, when he came nosing under the very tree where I was sitting, I suddenly jumped up, threw my hat at him, and gave a Comanche yell. He tumbled over in a limp heap, grunting and whining for very terror, gathered himself up, got up headway, and disappeared with wonderful speed—considering the length of his legs.

On another occasion—and this was in heavy timber—I was resting on a log, partially concealed by spice bushes, when I noticed a large flock of turkeys coming in my direction. As they rapidly advanced with their quick, gliding walk, the flock grew to a drove, the drove became a swarm—an army. To right and on the left, as far as I could see in front, a legion of turkeys were marching, steadily marching to the eastward. Among them were some of the grandest gobblers I had ever seen, and one magnificent fellow came straight toward me. Never before or since have I seen such a splendid wild bird. His thick, glossy black beard nearly reached the ground, his bronze uniform was of the richest, and he was

decidedly the largest I have ever seen. When within fifty feet of the spot where I was nearly hidden, his wary eye caught something suspicious; and he raised his superb head for an instant in an attitude of motionless attention. Then, with lowered head and drooping tail, he turned right about, gave the note of alarm, put the trunk of a large tree quickly between himself and the enemy, and went away like the wind. With the speed of thought the warning note was sounded along the whole line, and in a moment the woods seemed alive with turkeys, running for dear life. In less time than it takes to tell it, that gallinaceous army had passed out of sight, forever. And the like of it will never again be possible on this continent.

And again, on the morning of the sixth day out, I blundered on to such an aggregation of deer as a man sees but once in a lifetime. I had camped over night on low land, among heavy timber, but soon after striking camp, came to a place where the timber was scattering, and the land had a gentle rise to the westward. Scarcely had I left the low land behind, when a few deer got out of their beds and commenced lazily bounding away. They were soon joined by others; on the right flank, on the left, and ahead, they continued to rise and canter off leisurely, stopping at a distance of one or two hundred yards to look back. It struck me finally that I had started something rather unusual, and I began counting the deer in sight. It was useless to attempt it; their white flags were flying in front and on both flanks, as far as one could see, and new ones seemed constantly joining the procession. Among them were several very large bucks with superb antlers, and these seemed very little afraid of the small, quiet biped in leaf-colored rig. They often paused to gaze back with bold, fearless front, as though inclined to call a halt and face the music; but when within a hundred yards, would turn and canter leisurely away. As the herd neared the summit of the low-lying ridge, I tried to make a reasonable guess at their numbers, by counting a part and estimating the rest, but could come to no satisfactory conclusion. As they passed the summit and loped down the gentle decline toward heavy

timber, they began to scatter, and soon not a flag was in sight. It was a magnificent cervine army with white banners, and I shall never look upon its like again. The largest drove of deer I have seen in twenty years consisted of seven only.

And with much of interest, much of tramping, and not a little of vexatious delay, I came at length to a stream that I knew must be the south branch of the Muskegon. The main river could scarcely be more than ten miles to the westward, and might be easily reached in one day.

It was time. The meal and pork were nearly gone, sugar and tea were at low ebb, and I was tired of venison; tired anyhow; ready for human speech and human companionship.

It was in the afternoon of the ninth day that I crossed the South Muskegon and laid a course west by north. The traveling was not bad; and in less than an hour I ran on to the ruins of a camp that I knew to be the work of Indians. It had evidently been a permanent winter camp, and was almost certainly the Indian camp spoken of by Bill Hance. Pausing a short time to look over the ruins, with the lonely feeling always induced by a decayed, rotting camp, I struck due west and made several miles before sundown.

I camped on a little rill, near a huge dry stub that would peel, made the last of the meal into a johnny-cake, broiled the last slice of pork, and laid down with the notion that a ten days' tramp, where it took an average of fifteen miles to make six, ought to end on the morrow. At sunrise I was again on foot, and after three hours of steady tramping, saw a smoky opening ahead. In five minutes I was standing on the left bank of the Muskegon.

And the Joe Davis camp—was it up stream or down? I decided on the latter, and started slowly down stream, keeping an eye out for signs. In less than an hour I struck a dim log road which led to the river, and there was a "landing" with the usual debris of skids, loose bark, chocks, and some pieces of broken boards. It did not take long to construct an efficient dog raft from the dry skids, and as I drifted placidly down the deep, wild river, munching the last bit of

johnny-cake, I inwardly swore that my next wilderness cruise should be by water.

It was in late afternoon that I heard—blessed sound—the eager clank, clank, clank of the old-fashioned sawmill. It grew nearer and more distinct; presently I could distinguish the rumble of machinery as the carriage gigged back; then the raft rounded a gentle bend, and a mill, with its long, log boarding-house, came in full sight.

As the raft swung into the landing the mill became silent; a brown-bearded, red-shirted fellow came down to welcome me, a pair of strong hands grasped both my own, and the voice of Joe Davis said earnestly, "Why, George! I never was so d—d glad to see a man in my life!"

The ten days' tramp was ended. It had been wearisome to a degree, but interesting and instructive. I had seen more game birds and animals in the time than I ever saw before or since in a whole season; and, though I came out with clothes pretty well worn and torn off my back and legs, was a little disposed to plume myself on the achievement. Even at this day I am a little proud of the fact that, with so many temptations to slaughter, I only fired three shots on the route. Nothing but the exceptionally fine, dry weather rendered such a trip possible in a wilderness so cut up with swamps, lakes, marshes and streams. A week of steady rain or a premature snow storm—either likely enough at that season—would have been most disastrous; while a forest fire like that of '56, and later ones, would simply have proved fatal.

Reader, if ever you are tempted to make a similar thoughtless, reckless trip don't do it.

REMINISCENCES OF ALBION COLLEGE

By one who signs himself "A native, and an eight plus octogenerian"

MY first recollection of Calhoun county goes back to childhood days and associations. In 1848, I was visiting my brothers, then students in Albion Seminary, an event clearly remembered by two incidents. First, a memento or souvenir, an exquisite little Delft creamer, long cherished by me and my family, as would be one of Raphael's masterpieces. It was purchased at a small general store run by John Cliff, north of the college campus, patronized largely by students for its sweet confections; just another instance where beauty of form and color attracts the impulsive child, not realizing values but eager to spend his pennies. Second, seeing and mingling with a score or more of young full-blooded Indian students, gamboling on the college campus.

Apparently originating in the brain of some zealous devotees of the Methodist persuasion, Albion Seminary had been founded with a view, primarily, of the advanced education of the sons and daughters of their fellow coadjutors, with an especial view to the ecclesiastical training of young men. This purpose, with added philanthropy, a desire to aid and elevate by education, the nearer at home heathen, now wards of the state and nation. It was these impulses that inspired this gathering of some twenty or more of the young bucks of this tribe from the regions of Lake Superior.

It was here I first saw the Indian text book in use for the education of these students; but in intercourse with my brothers, who possessed them, I soon acquired a remembrance of its make-up and the dialects of the two supposed tribes which I, after these many years, will attempt to reproduce, only as to form and a few remembered words, in the fear that no copies are in existence, though I hope one or more may be in public or private libraries, to correct imperfections of memory.

The Indian text books, arranged as remembered, contained

several pages for reading and spelling exercises, mostly made up from the writings of Longfellow, with some pages of a glossary arranged in three parallel columns. The center column contained the English words alphabetically arranged; at the right, its equivalent in Chippewa; at its left the equivalent in Ojibway dialect, the three headed in capital letters as follows:

OJIBWAY	ENGLISH	CHIPPEWA
Pokamin	Cranberry	Stigamin

(Using but one word for illustration.)

Today, this is the extent of my Indian vocabulary, but years ago it consisted of a score or more examples in both dialects. I am aware that some historians and dialecticians claim these were but a single tribe, Ojibways, but that did not seem the view of Albion college authorities.

My Delft creamer and my two Indian text books, which came to me by inheritance, were destroyed by fire in 1924 when most of my belongings, the accumulation of many years, went up in smoke.

Albion seminary, as I knew it in 1848-9, had but one building besides the president's manse. That was a brick structure of three stories and attic above a high basement. This served the purpose of chapel, class rooms, dormitories and boarding hall in the basement. This building, looking west, fronted an extensive grassy campus, while in the rear was an equally ample shaded grove of young oaks and hickories. This, too, was the condition that existed in 1854, when the writer became a student.

In the meantime, however, increasing patronage demanded more room. Then an addition of similar proportions was erected a little to the north; but this building was destroyed by fire in 1852 or '53. Two brothers of the writer were students at the college most of these intervening years, and he was a frequent visitor because of near-by close relatives whose daughters and sons were also students until the fire spoken of; hence the writer's familiarity with events happening during these years.

The old chapel hall was transformed to meet the exigencies caused by the fire. A temporary partition with a door was placed across the hall way of the north half of the chapel floor to house the female students and separate the sexes, leaving the south half and the entire third floor for male students.

It so happened, however, that the return of students of both sexes was disappointingly few. Many male students, expecting to return, had stored their bedding and other surplus belongings in vacated rooms of the upper floor and in the attic, offering temptation to mischievous returning students, to make night hideous by revelry and exaggerated "halow'een" performances with no regard for damage to property, when they could barricade corridors for escape after tumbling stoves, chairs and other furniture, purloined from storage rooms, down the stairway.

In reviewing the time of and the character of President Hinman, I would not deprecate his character or ability, which was far above the normal, but there were certain idiosyncrasies of temperament which, in truthful biography, cannot be glossed or whitewashed. The opinion of students might magnify these peculiarities, but in none was there ever a doubt of his educational ability or competency as an instructor; but by most students, he was regarded as possessed of such an overbearing temperament that it antagonized all. This, however, was subdued in his intercourse with the public. As a consequence, though he served acceptably for many years, he never received from all students that element of loyalty and good fellowship essential to success in his profession.

President Hinman was succeeded in 1861 by Ira Mayhew, late state superintendent of public instruction, who possessed a character of equal austerity, but being of broader mind and more diversified experience, brought with him an acceptable change. Serving as president three years, after which he engaged in private banking business with Samuel V. Irwin under the firm name of Mayhew and Irwin; later disposing of his interest to his partner, he, with his daughters, estab-

← mem of
Albion

lished Mayhew's Business College. This bank was the fore-runner of the present First National Bank, now a power of strength to the greatly expanded mercantile, manufacturing and agricultural interests of Albion and adjacent territory.

Thomas H. Sinex succeeded President Mayhew, filling the position to the entire satisfaction of all interested parties. All students recognized in him a master educator, captivating the female students by his uniform urbanity. Unfortunately, however, business generally throughout the United States was passing through a period of financial worry, with rumors of threatened war, upon the inauguration of President Lincoln in 1861. College finances were reduced to so low an ebb, suspension seemed inevitable, forcing the resignation of President Sinex.

and all
"Radical measures seem necessary to cure great ills," seems to have been here exemplified by the rally of friends of the college to its rescue, headed by David Preston, a wealthy banker of Detroit, who, at once placed the college on a firm foundation by liberal subscriptions and an endowment for future expenses, practically eliminating worries and heartening Mr. Sinex's successor, George B. Jocelyn, a well beloved and highly esteemed executive who, coming to the presidency in 1864, served the college's interest and welfare so acceptably through the years 1864 to 1869 and 1871 to 1877, as to guarantee its future success; only surrendering to that fate which awaits us all, dying an incumbent of his office in January 1877.

The management of a college, like every commercial enterprise, is dependent upon two factors: first, present or assured future finances and physical support; and second, there must be, by selection or appointment, able and congenial assistants. In aid of finances the action of David Preston was truly commendable, but there followed others equally praiseworthy. Madeline Stockwell Turner, who, I remember as of unparalleled charm and beauty, briefly and ideally expressed by the single word, pulchritude. She was an early student of Albion college, but finished at the university. Later, when possessed of ample

means, she remembered Albion by donations from her works in art and by a liberal endowment for its perpetuation.

Students at college, usually coming from families accustomed to the fat of the land, are wont to be hypercritical, and it spoke well for Mr. and Mrs. Sabin, who managed the college basement boarding hall in the early days when they entertained and put in practice the theory that "the royal road to the comfort and happiness of mankind is by way of the esophagus."

Of that necessary element for success, instructors or teachers, the writer can speak of many in the college during these years from knowledge. Beginning with earliest remembrances, there was one Corienne or Cornie Sabin, a graduate of the college, as teacher in English and the dead languages and Indian dialect; together with others equally worthy in their departments, whose names, but not personality, are lost to the writer's memory. One never eliminated was Professor C. C. Olds as teacher of sciences, who, in addition to profound knowledge, possessed a temperament of unbounded congeniality, loyal friendship, close insight and canny solution of the problems of youth of both sexes.

War, from its nature, engenders bitter animosities between citizens of opposing political beliefs. Albion, being a center of the most outspoken body of secessionists, derisively called "copperheads," then existent, their mention is imperative and though we knew them all, most are omitted for sake of brevity. Only one, and he rated as most reserved of all, is mentioned at length.

A. M. Fitch who, as a Methodist preacher of great rhetorical power, as agent of Albion seminary in its early days, gained an extended reputation for suavity, persuasion and financial acumen. A devoted agriculturalist, he gave much of his study and energy to that avocation on his farm in South Albion. Later, on completion of an elaborate mansion on another farm north of the college, he devoted even closer study and greater energy to horticulture, soils and fertilizers, employing for the purpose, one expert from the east, locally known as "Old

✓ "copperheads"
at Albion

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Terriculture," who, under pledge of secrecy, revealed, for a compensation, his alleged method of greatly increasing the yield in products of the soil.

Elder Fitch, as we have shown, was a versatile member of the genus homo and, withal, he was somewhat of a politician of the democratic faith; an anomaly among Methodist clergymen in this age of enlightenment and prohibition laws, but common up to civil war days. He was, in those days, affiliating with the disloyal element in society, was classed as a copperhead, but in this epithet, his esteemed wife, three talented daughters and son, William, were never included, as, neither, were the two socially esteemed and cultured daughters of William V. Morrison, leader of the local band of disloyalists called copperheads, in whose company the Reverend Fitch and Mayor George N. Cady trained. Another, Reverend A. J. Eldred, pastor of the local Methodist church, so disgraced his fellowship that most of his congregation, joined by members of his former charge, at Dowagiac, petitioned church authorities for his expulsion, and the war department at Washington for his arrest and conviction for treasonable utterances.

No matter where located, the history of long established college towns is much alike. Society is largely made up of families who had settled there to educate their children and of out of town students and others attracted by commerce. Of these was James W. Sheldon, the well known banker of Albion. In the early classes of Albion college were many of both sexes who, later in life, attained prominence in local society. Some, like Mary Peabody Sheldon, for pulchritude, urbanity and philanthropy: another, Josephine Nelson Thompson, a gracious, universal favorite in society; also Robert Frost and his wife, known and esteemed long after.

Among the many students of that period in the history of Albion college were some I afterwards came to know intimately and well. Among them, Clinton B. Fisk, afterwards to become Brigadier General of Volunteers in the civil war and renowned, as history records, for magnanimity and philanthropy.

beginning of

Enlisting after the fall of Fort Sumter in 1861, he rose from a private to the rank of general and the command of three departments in Missouri, including the important one of St. Louis. On being mustered out September 1, 1866, he entered the service of the Missouri Pacific railroad, serving as vice-president until 1877. Meantime, in 1867, he founded the Fisk school for freedmen at Nashville, Tenn., from which, at his instigation, sprang Fisk university. Long a staunch temperance Republican, he joined the prohibition party in 1884 and became a candidate for governor of New Jersey, and four years later, as candidate for president of the United States of that party, when the two opposing candidates, Benjamin Harrison and Grover Cleveland were such marvels of political power and strength, Fisk received a quarter of a million votes.

Another student among this Albion group, then met and afterwards only remembered from reputation and discussion with his contemporaries, my brother and others, was Wirt Dexter of Washtenaw county who, in the 1860 decade, was the most prominent attorney at the bar of Chicago.

Another, whose early and advanced education began under President Hinman and continued under the tutelage of President Ira Mayhew, adopted the profession of the law early in life and, from proven ability, rose from district attorney to judge in an important judicial circuit of Michigan, before whom were tried several important cases, some criminal ones involving citizens of wealth and influence; whose appeals from his decisions to the Supreme Court, never produced reversals: vide records of the bar of VanBuren county.

The writer's entrance as a student of Albion college at the fall term of 1854 was unduly shortened by fortuitous circumstances which, involving too much of personal biography and another college, is omitted. Indirectly and strangely, it is connected with the first venture in business in Albion of the writer in 1861 and incidentally with his first meeting one of the fair daughters of Albion college at a reception given by Mr. and Mrs. Ira Mayhew and subsequently robbing the college

of one graduate by marriage September 20, 1864: a crime neither participant ever lived to regret.

Contemporaneous business men were G. J. Phippeny & Son, Noble Brothers, Williams Brothers, Editor Cole of the then rabid, disloyal, democratic Mirror, Doctor Tuttle, O. Charles Gale, Sheldon and Fanning, Charles Dalrymple, postmaster; Jesse Crowell of the large and substantial stone mill, with his coadjutor employe William V. Morrison and book-keeper, Rice. James C. Eslow, James W. Sheldon, John Peabody, his brother-in-law and bank teller, James and Mark Peabody, two other brothers-in-law of Sheldon, who had office and desk room in Sheldon's bank, were owners and managers of the Gothic or white flouring mills; both men of unimpeachable character and in highest standing throughout central Michigan. Eugene Robertson, to become John Peabody's successor as bank teller and cashier. Samuel V. Irwin, than whom there never lived a more loyal friend both socially and politically. Ira Mayhew, coming through his duties of superintendent of public instruction of the state and president of Albion college, was now, with his talented daughters, operating "Mayhew's Business College." William Steel, Raus Elwood, both jewelers, Reed Brothers, B. B. and W. H. Bidwell, Douglass and Lewis, George Damon, John Howard, A. P. Gardner, Fox and McGregor, with the staunchly loyal newspaper, The Recorder, published by Fred Wheelock and his partner, Case. Howard and Brisbin, Upright and Earhart, John Thompkins, the drug store and American Express agency conducted by the writer and his brothers. Hotels were not wanting, with the old time wooden hostelry on the west side of Superior street near Erie, conducted by Lum Luce; the Parker and Knapp hotels close to the railroad, the livery barn of Phelps and Robertson on Erie street.

A female seminary would be a desert without a picture gallery. One Nye supplied that want. Men and boys wore boots, only, in the manufacture of which William Watkins was an expert. In manufactures, beyond its superb flouring mills and George W. Maher's planing mill, Albion, in that

period, was a "dud" if that word, first used as a popular expression in the world war, may be allowed. Besides the tannery of George N. Cady and a smaller one in the rear of Hannah's block, the blacksmith and farm wagon shop of Williamson and Graves brothers, there was none.

Now, adding a few disconnected business and professional men, we believe our survey fairly embodies the business interests of Albion of that period. Prominent in that class was ex-sheriff Mark Crane, William H. Brockway, Martin Havens, Zeno Gould and John Brazee. Of doctors, we recall Wheelock, Tuttle, Montgomery, Hovey, Osborn and Wilbur: of dentists, Stone, and Babcock: of lawyers, Thomas G. Pray, George Penniman and Reinzi Loud, and still another whose countenance is before me but his name is lost to memory.

A queer but silly combination, doubtless evoked in a spirit of economy, was a provision in the law under which the writer was elected treasurer of the village of Albion in 1863. Under this law he also became, by virtue of the office, one of two school inspectors and examiners of applicants for teachers' certificates; an office he was no more qualified to fill than a six year old boy. There was never a doubt of his integrity or ability to administer the finances of the town, which he did with universal commendation, but whether anyone else realized his dual shortcomings or not, all were too polite to mention it and he was obliged to decline a renomination tendered by both political parties. Luckily, he had in the one term, the loyal support of Colonel Phineas Graves, the other trustee, who was abundantly qualified. Education and experience should go hand in hand: but they are not inseparable.

INDIANS OF OCEANA

By HARRY L. SPOONER

DETROIT

AMONG the guests of honor who attended the celebration at Detroit of the return of the "Polar Bears" from the frozen wastes of north Russia, was a quiet little wizened old lady from Oceana County named Mrs. Margaret Nagake.

To the thousands who read the name in the newspaper list, it probably meant little—only a name. It more likely was taken for a central European name than for an Indian name. Mrs. Margaret Nagake, an Indian mother, had come to Detroit to receive the remains of her son, William Nagake, who was among those to give his life for a country which was truly his—a country which had been the home of his forefathers from time immemorial.

The blood which William Nagake gave for the freedom of the world was the blood of chiefs. He was a great-grandson of Cob-moo-sa, the head chief of the Ottawas of Oceana County. His father, Rodney Nagake, who died in 1925, was "The Last Chief of the Ottawas."

The death of this young scion of real American stock recalls the history of the powerful Ottawa nation and its ineffectual struggle to expel the white race from Michigan, to preserve the hunting grounds, and to prevent the disintegration of their nation.

A great change had taken place between the time of the so-called conspiracy of the renowned Ottawa chieftain Pontiac, and the surrender to the government of the Ottawa's last stronghold on the Grand River in 1855. A change just as great but less noticeable in the march of an unheeding and remorseless generation has occurred since the remnants of these Grand River Indians emigrated to Oceana County in 1857-58, some 1,500 in number, representing about 400 families, in hope that at last they had found a home where they would be unmolested. At the present time only about 50 re-

main, and these, shorn of their possessions by the trickery of white neighbors, live in abject poverty.

After Pontiac's time the Ottawas roamed Michigan under the rule of tribal chieftains. The whites kept forcing them farther and farther north. A considerable number had thus reached the Grand River section, which they held for some years. Cob-moo-sa himself lived where the village of Lowell is now located. The whites encroached upon the Grand River settlements, and finally in 1855 a treaty was signed at Detroit surrendering their lands in that section in exchange for lands farther north which they were themselves to choose.

Cob-moo-sa at first refused to leave his home country, and remained at Grand Rapids. But his followers went to Battle Point, about four miles up the river from Grand Haven, where they remained for two or three years. By this time the chiefs had selected the lands for their new home, and the government had worked out the details for the emigration.

In 1857-58, the 17 shattered bands of the Ottawas gathered at Grand Haven and shipped on board the steamers Ottawa and Charles Mears to Pentwater. The young men rode their ponies along the beach. From Pentwater they made their way to the place they had selected as a reservation, a region 24 miles from north to south and 6 miles wide. This district embraced what is now the townships of Elbridge and Crystal in Oceana County and Eden and Custer in Mason County.

These towns lay within a few miles of Lake Michigan, whither the Indians could go down and fish and exchange maple sugar to the traders at the mouth of the Pentwater. Here was a happy hunting ground for the peaceful bands of the once powerful Ottawas, the feeble remnant of the Potawatomis, and the still weaker Chippewas, who sold out their rights on Grand River.

This reservation, still spoken of as "Indiantown," was chosen with care. It was miles from white civilization and the Indians hoped it would be many years before they would again be pressed out by the fatal encroachments of the "pale-faces." The dense woods made it a hunter's paradise. Wolves,

bear, deer, and beaver abounded. There were countless numbers of marten, coon, mink, muskrat, otter, and fisher. The lynx and the wildcat prowled the woods. The waters were full of choice fish. The air was full of edible birds, and wild duck and pigeon, in their season, darkened the air. The forest glades were full of the animals of the chase, and wild berries grew in profusion. The soil was easily tilled and produced in abundance to the simple cultivation of the squaws and the men enfeebled by age, plentiful harvests of potatoes and Indian corn. In fact Nature seems to have here emptied her cornucopia upon these red sons of the forest.

It was to this country that Cob-moo-sa brought the tribes under his dominion, among whom was the family of Jerome Nagake, grandfather of William Nagake, and husband of Cob-moo-sa's daughter.

The principal chiefs who came at this time were Peshoisky, the great orator; Shaw-be-co-ung, or "wings," meaning he could soar as an orator; and Paw-baw-me, who was a Catholic and a lay leader. Cob-moo-sa refused to take up his residence on the reservation for a time, although he was a frequent visitor there and exercised his rights as chief. He was an old man of most majestic appearance. His manner of walking gave him the name of "The Great Walker." To the last he remained an Indian, living in a wigwam and fully wedded to paganism. He was over a hundred years old at his death.

Besides these chiefs, several other Indians were prominent. Louis Genereau was an interpreter and was half French. He was a Methodist but changed in his old age to a Catholic and married Paw-baw-me's widow. Joseph Elliott was a full-blooded Indian and an interpreter. He was a Methodist and it is said he preached with considerable fluency. He gave the first sermon ever preached in Pentwater, in Charles Mear's boarding house. There were a hundred "shanty boys" present and they paid their tithes with pork and potatoes.

The treaty made with these Indians by the government provided that for the first ten years the government should pay them annuities in coin and goods, should build and main-

tain four schools, and should provide them with stock and tools and operate a blacksmith shop for their convenience. During these ten years the Indians were to live on lands allotted to them, each one receiving a certificate of his land. At the end of the ten years they were given deeds to the land and had to support themselves with no government aid. Thus while the settlement was a reservation, it was not a legal reservation, each Indian occupying his own land. The government appropriated \$80,000 for the education of the Indians and \$75,000 for stock, tools, and blacksmith.

In furtherance of this agreement four school houses were built in 1860 at a cost of \$1500 each. These were on the northwest corner of section 11, Elbridge, called the Paw-baw-me school; one on the northwest corner of section 17, Elbridge, called the Genereau school; one on the northeast corner of section 27, Elbridge, called the Cob-moo-sa school; and one in Crystal township.

These school houses were built with living quarters for teachers attached. The Paw-baw-me school was near the farm of H. S. Sayles, which has always been a favorite rendezvous of the red men. The government teachers in this school were James Haley, of Detroit, an Irishman and a strict Catholic; Mrs. H. S. Sayles of Elbridge; and Eliza Foote of Lansing. The Cob-moo-sa school was taught by Rev. D. H. Latham, followed by John Bean, Jr., and Mrs. Ariel Crosby. The teachers at the Genereau school were W. H. Leach, D. W. Crosby, and John Smith, the latter being an Indian. The Crystal school was taught by D. K. Foster, a half-breed, and by Charles Selkirk.

About the time these schools were started, H. S. Sayles opened a trading post across the road from the Paw-baw-me school. This post was operated for many years. The part devoted to the store and fur warehouse has disappeared but the living quarters are still standing. Later another trading post was established in the Cob-moo-sa neighborhood. This served for some time as the Cob-moo-sa postoffice. Part of this building is still standing.

The Indians followed up many of their tribal customs but soon began to recognize the white man's law. An incident illustrative of early justice among the Indians occurred in the fall of 1861. An Indian beat a squaw nearly to death. The Indians, instead of taking the matter into their own hands, sent a delegation to the prosecuting attorney, C. W. Deane, who went at once to the reservation and caused a warrant to be issued by the Justice, H. S. Sayles, for the arrest of the offender. The warrant was served and the prisoner taken before his Honor. Indians from all parts of the reservation gathered at the trial. The prisoner acknowledged his guilt, and the Justice, after consulting with the prosecutor and the leading red men present, imposed a fine of \$15 and costs. Upon this a general discussion took place among the Indians and they finally voted to approve the judgment of the Court, and went away impressed with the justice of the decision and a high regard for the white man's court and the law.

The days on which the government paid the Indians their annuities were exciting. On one of these days, November 25, 1861, the Indian agent, the Hon. D. W. C. Leach, arrived with the necessary funds for the payment. His appearance caused great activity in all quarters throughout the county. Six or seven wagons loaded with merchandise followed a motley procession headed by the paymaster, from Pentwater to the reservation. In this procession were several well-known Indian traders, including J. Godfroy and Julius Houseman, of Grand Rapids, and J. Morton of Ionia. Many local merchants from Oceana County were also present, as well as many who went out of curiosity, or in hope of opportunity presenting itself to get some of the red man's "gunio." Indian payment was a great event for the Indians and a still greater one for the white settlers.

On July 4, 1862, a great celebration was held at the Indian reservation. Lieut. E. V. Andress, 1st Michigan Sharpshooters, was present and delivered an address to the aborigines, after whom Chief Paw-baw-me spoke. Louis Genereau acted as interpreter on this occasion. The speeches were made to

encourage the young braves to enlist in the Union Army, and so effectual were they that 25 enlisted. These, led by Louis Genereau, Jr., stepped forward and were sworn into the service of the United States government. On the Sunday following, Lieut. Andress marched them to Pentwater, accompanied by nearly all the Indians on the reservation. The scene at the departure of the steamer was very interesting and affecting. Some of these Indians never returned but gave their lives to perpetuate the white man's government.

Despite this gallant conduct on the part of the Indians, late in the summer of 1862 there were rumors of an Indian uprising in Michigan. Absurd idea, but many believed it, and the "home guards" were called into service. Regular watches were kept at many villages and for some time the Indians were nightly expected. Perhaps the most surprised of all were these peaceful and inoffensive Indians. After a few weeks the excitement subsided, and the following paper, prepared by the Indians and some white friends, effectually ended the "Indian War":

"We, the undersigned, chiefs of the Ottawas and Chippeways of Oceana and Mason counties, in council assembled, having, with regret, heard that our white friends had become very much excited on account of certain rumors which have, of late, been in circulation with regard to our taking up arms against them, would take this method of informing them of the utter absurdity and falsity of these rumors.

"We profess as a people to be loyal to the government and peaceable, unoffending citizens.

"Many of our people, from various parts of the state, have met together at the head waters of the Muskegon River, for the purpose of hunting deer. They have there built a brush fence, some five or six miles in length, where deer are in the habit of resorting in great numbers, from behind which they shoot them as they come up. This has been a custom among us for many years, and never before have we been suspected by our white friends of treachery; and we are exceedingly grieved to learn that this simple contrivance for entrapping deer,

should, by report, have assumed the formidable appearance of a strong fortress from which we were to wage war upon the whites.

"It has been ignorantly reported that there were some two thousand armed Indians in the vicinity of Saginaw. It is true that there has been lately a large gathering of them near that place, and quite a number of Canadian Indians came over, but it was for the express purpose of holding a camp-meeting, and not from a belligerent motive.

"These are the true facts in regard to the matter, and we trust they are sufficient to allay the fears of our white friends; for we assure them that we have never entertained any feelings towards them but those which were the most friendly.

"Elbridge, Oceana County, Michigan, September 22, 1862.

"Cob-moo-sa, Shaw-gaw-be-no, Web-o-nee-gez-hick, Paw-baw-me, Ash-gua-o-za, Shaw-be-co-ung, Wash-ke-o-zhee, Wau-be-ga-ka, Mash-kau, Pash-o-sha-ga, Web-o-no-sa, Kaw-ba-gaw-bua, Ching-gua-sha, Kaw-boah-mah, Pen-easey."

Although hunting, fishing, and trapping occupied much of the time of these Indians, they learned to till the soil and to depend upon its products for a part of their subsistence. From July 1866 to July 1867, their agricultural operations produced 37 bushels of turnips, 150 of buckwheat, 825 of wheat, 1482 of oats, 7738 of corn, and 11,931 of potatoes. During this time they made 26,000 pounds of maple sugar. At this period they owned 54 cows, 131 ponies, and 160 swine. They were industrious in home building this year also, the record showing they built 2 frame houses, 10 bark wigwams, and 126 log houses. The records also show that in one day they brought as high as 50 bushels of huckleberries, 50 carcasses of deer, 300 mink and muskrats, 15 bear skins, and 20 wolf pelts to the market.

A Sunday school was established in 1870 with W. J. Tennant as superintendent. Most of the children were Indians, there being at this time but four white families in the township of Elbridge. Indian children, having heard that there was going to be a Sabbath school, came from all parts of the town to

see what kind of an institution it was. They came into the school house with their bows and arrows and accompanied by their dogs. They were instructed as well as could be, to leave their bows and arrows at home, so the next time they came only with their dogs. During the exercises one of the dogs looked in at the door and growled which caused nearly all in the house to laugh. One of the Indian boys did not like this, and as soon as he could get out of doors he gave the dog a kick. No sooner had he done that than the owner of the dog fell to kicking him. By the time the superintendent got out to stop it they were having a regular knock-out fight.

The first few years were years of prosperity for the Indians. They continued to clear up land and their farms became productive. Their fate closed in upon them in 1872 when they received their last payment from the government and the deeds to their lands. The government had now fulfilled its treaty obligations and closed the schools. This was a typical mistake. Had the government continued as a "big brother," the Elbridge Indians might have had a different history. They had little idea of values and were induced to contract debts secured by mortgages on their farms. Thousands of acres of choice timber lands were bought at \$100 for a 40-acre tract, the standard price then. But the red men for the most part were tricked out of their holdings. Today of those 1,500 who went there is such high hopes, about 50 are left, and few of these own property. The great white plague began taking them off quite early. Many of the young drifted to the cities after the advent of the automobile made high wages in the factories. Alcoholism and inbreeding have taken a toll. The big Indian cemetery in Elbridge where William Nagake rests is mute evidence of what has become of the red men of Oceana County. The few left live for the most part in dilapidated shantys left by lumbermen some 40 years ago. They work by the day for the white farmers who now possess this fertile country.

After the schools were closed by the government, as nobody held title to the land where the school houses were built, the ownership of the buildings was in dispute. Louis Genereau,

the most influential Methodist, appropriated the house on section 17 for a Methodist church. Paw-baw-me, the most influential Catholic, got the house on Section 11 for a Catholic church. The Cob-moo-sa school on section 27 was used as a dwelling until school district number 6 was formed, when it was used as a public school until they could build a school house. Since then it has been used again as a dwelling. It is the only one of these school houses that remains standing, but in altered condition, with vestibule and belfry missing. The Paw-baw-me school was bought and torn down about 1922 by John Denniston who owns the farm across the road.

Among the full-blooded Indians remaining at Cob-moo-sa are Moses and John Shag-o-naw-by. The former lives in a farm house but the latter, like most, has a two-room shack for the habitation of himself and his large family. He tries to make a living by farming and working for his white neighbors. "I hunt, fish, no more," says John—"White man no let—Treaty give Indian right to hunt, fish,—white man no let."

John Nagake, uncle of William Nagake, also remains at Cob-moo-sa. Mrs. Margaret Nagake, mother of William, lives in the village of Hesperia, where the family has lived for several years. She makes a living with baskets, which find a ready sale at Muskegon.

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W. N. Sayles, of Hart, whose father H. S. Sayles had the Indian trading post for years, and who was born on the reservation, had a lot of respect for the Indians. He attended the Indian school, speaks the Indian language, and was generally accepted by them as an Indian in social events of pioneer days.

"These Indians were very fine people," says Mr. Sayles. "They have stood for a lot more than white people would have under similar circumstances. They have been robbed, cheated, and lied to and yet remained of a quiet, gentle disposition quite unlike the bloodthirsty qualities most people imagine the Indians have.

"Today the three graveyards in Elbridge hold the bones of its former inhabitants. Most of these were Catholics and

are buried in two cemeteries near the Indian Catholic church on the road between Hart and Walkerville.

"The old Sayles trading post lies north of the church a few hundred yards at the turn of the road. The original Indian burying ground was west of the Sayles cabin and consisted of an acre on the south side of the road. It became filled with graves, many of which were unmarked, so that one grave would be disturbed while making a new one.

"It was decided to move the cemetery to its present location, but many of the occupants of the former plot are still resting where they were buried many years ago.

"There were two other cemeteries. The Methodist Indians had a burying ground near Cedar, and the pagan Indians buried their dead near Cob-moo-sa on the Evans farm. These have gradually been encroached upon and it is probable that most of the graves by this time have crops growing on them.

"Many of the Ottawas refused to become Christian converts. These pagans as they were called, lived in the territory about the Cob-moo-sa school. The heathen Indians have all been dead for some years. The Christian Indians usually placed a cross on the grave, but the heathen Indians constructed a miniature house over their dead in order that the spirit of the departed would have a resting place when it returned to visit the body.

"The pagan Indians celebrated several times a year with a pow-wow or big feast, and I would often attend. The green corn dance was their favorite festival and was celebrated regularly in August.

"There were three dancing circles. One was east of Cob-moo-sa lake, one near Fenner's Store at Cob-moo-sa, and the third on the Oscar Weirich farm. One never could tell which of the three would be the choice for a ceremony.

"The Indians would bend the tips of two sapplings together and pile a covering over these, so that in case of stormy weather, the dancers would be under a shelter.

"The dancing circle was not really a circle, but an oval. Along its longest diameter would be a long fire in which

kettles of food would be cooking. At one end of the oval sat the drummer who beat time for the dancers.

"The drumhead was of rawhide, tied over a hollow shell from a log, while the skin was wet. When it dried and tightened it made a drumhead with great sounding power. The lower part of the drum was open, and the head was struck with a hooked stick.

"All the Indians kept time to the beating of the drum and chanted songs of a religious nature. To the ear unaccustomed to this music it would sound more like a noise. On still nights the drum could be heard five miles.

"Usually there would be about 20 dancers circling the fire from the 200 Indians present, and the procession was continuous. When one person became tired another would take his place so that the dance might last two or three days before it was finished. Both men and women danced."

One night when Mr. Sayles was about nine years old, Maubesa Cobmoosa, son of the famous chief, was one of the dancers. When he circled past the visitor he grabbed the white boy and placed him in line with the celebrants.

"I was scared half to death for a few seconds, but by the time I had gotten about the circle I was having the time of my life and danced a half hour with the Indians before I was ready to quit," recalls Mr. Sayles.

The last dance was held 40 years ago. The pagans, most of them, including Maubesa Cobmoosa, became converted, and most of the rest died so that too few remained to hold any more celebrations.

Chief Cob-moo-sa died on the reservation in 1872, the year that the government ceased its contributions to the Indians, and he did not live to see their degradation. It has been mentioned that when the Indians moved to their reservation he at first stayed behind, not bearing to leave the graves of his forefathers and the scenes of his early days. Though most of the others in some degree adopted the style in dress of the whites, he persisted in his old habits. He said to Mr. Campau, the Indian trader at Grand Rapids, "Me Indian, nothing else.

I wish my people, my children, be civilized. Your ways superior. My people adopt them, or die. But I no change. Young adopt new ways, old cannot. I soon die, an Indian. Can bend young tree, but not old oak."

The lingering of old Cob-moo-sa gave rise to a poem:

COB-MOO-SA'S LAMENT

My step is the tread of a warrior no more;
The days of my pride and my glory are o'er;
No more shall I follow the foeman's track;
No more shall the war-chief welcome me back;
My bow, my nerves, and my heart are unstrung;
My death-song alone remains to be sung.
The braves of my clan have sunk to their rest;
Their children are gone to the north and the west;
The forests have fallen, the land is sold;
Our birthright is gone for the Christian's gold,
And manhood has passed from the Indian's brow
Since he gave the soil to the white man's plow.
The lord of the forest is lord no more;
The pride of his manly soul is o'er.
The fields, where he won his youthful fame
On the track of the foe, or in quest of game,
Are his no more.

Unmanned he goes
To brood o'er the Indian's doom and woes.
His doom he sees in the towering halls;
His doom he reads, as the forest falls;
His doom he hears in the Sabbath chime;
His doom he reads in the march of time.
Will it shame thy heart, proud white man, say,
To shed a tear as we pass away?
As for me, I go not where my kindred have gone;
By the grave of my father I'll linger alone.
The oak may be rent by the lightning of heaven;
The storm-wind may bow it, its stem may be riven;
But with trunk sere and blasted, and shorn of its bays,
Still grasping the earth, it proudly decays.
As a son of the forest, I live in my pride;
As sons of the forest, my forefathers died.
'Till I go to the land where the bright waters shine,
I'll live by their graves, and their grave shall be mine.
I linger not long, my nerves are unstrung,
My death-song is ready, it soon will be sung.

REMINISCENCES OF MICHIGAN'S DELEGATION AT YORKTOWN CENTENNIAL

BY THE LATE OTIS E. MCCUTCHEON

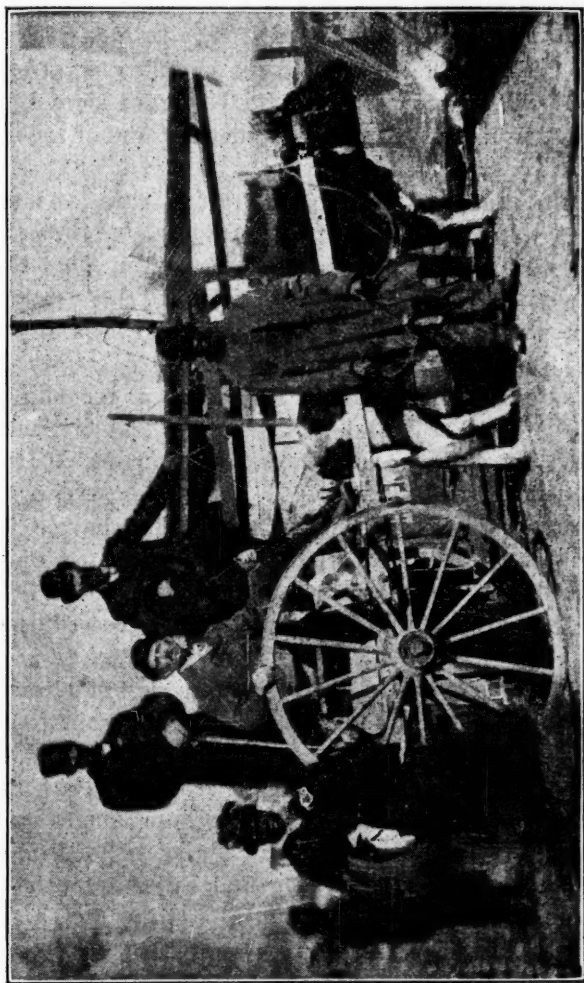
THE annexed picture (from a tintype) shows Hon. William Ball of Livingston County, Hon. William H. Rose of Clinton County, and the writer, Otis Eddy McCutcheon of Iosco County, Representatives in the Michigan Legislature of 1881, as they appeared at Yorktown, Virginia, October 19, 1881. Ball stands in the front of the vehicle, Rose in the rear, and McCutcheon is sitting between them.

The occasion was the Centennial celebration of the surrender of the British forces under Lord Cornwallis, to the combined French and American armies under General Washington on October 19, 1781. As to the Michigan part in this celebration and without proposing to give the details at length, a few explanatory observations are submitted in connection with the picture.

The legislature of 1881 appropriated \$10,000 to provide for the representation of the State in the Yorktown celebration. A committee was appointed consisting of Governor David H. Jerome and certain other high officials of the State, to make the necessary arrangements. The committee invited the legislature to attend the celebration in a body, and a special train was engaged to carry the state officials to Washington. The invitation was accepted and the greater proportion of the legislature actually attended, and the program sent out to each member provided for the assembling of the two Houses at the State Capitol on the morning of October 16.

This part of the program was not carried out. Very few members stopped at Lansing, but instead, went on to Jackson, where the special train was to be assembled. We left Jackson about two o'clock in the afternoon.

The author of this sketch died at his home in Idaho Falls Mar. 22, 1927.—Ed.



AT YORKTOWN CENTENNIAL, 1881

The celebration was under the auspices of the State of Virginia and the government of the United States. The program covered several days, one of which was set apart for a great military and naval demonstration. In fact, the military features were conspicuous during the entire celebration. The Michigan program provided that the Governor should go with his staff, in his character as Commander-in-Chief of the military forces of the State.

Our train consisted mostly of sleeping cars, and we proceeded over the Fort Wayne road to Auburn Junction, Indiana, where we were delivered to the Baltimore and Ohio Railroad Company and proceeded eastward. The afternoon was rainy; in fact, the most vivid recollection that I have is of seeing a crowd of people, who had been attending a county fair at Goshen, standing in a muddy street, in a drenching rain, without shelter of any kind, waiting for a train. There were no dining cars and we had dinner, or "supper" as most of us called it, at Mansfield, Ohio.

The gloom of the weather outside seemed to have a depressing effect upon the Solons, and for the most part, they were early in bed. My first look out of my window the following morning was at Bellaire, Ohio, where we crossed the Ohio River.

By the time we were in West Virginia, the sun was rising and the Honorable Gentlemen of the party began to inquire about breakfast. In reply the officials of the train advised us that breakfast would be served at Grafton. That city was reached quite late in the morning, perhaps about half past ten, and there we were informed that a train load or two of soldiers had passed that morning and eaten every morsel of food in the city.

We were then assured by the trainmen that we would have a good meal at Cumberland, where the railroad company had a fine large station and well appointed eating house.

The railroad, being much encumbered by extra trains, our progress was slow, but the day was of the finest. Our route lay over the mountains, through a lightly timbered country

with beautiful valleys in the distance, the trees all clothed in the gorgeous colors of October. The surpassing beauty of the scenery remains to me a most delightful recollection.

For the most part, the members of the party were reasonably good natured, considering the circumstances, but already there was some grumbling about the conduct of Governor Jerome.

The Governor's car was at the front and we saw nothing of him. Earle of Grand Rapids said to me that "if it was Tom Palmer" he would be coming through the cars, mixing with the fellows and helping them have a good time, and that was fairly expressive of the attitude assumed by the majority of "the fellows". For myself, I thought the Governor was doing all right. I liked the form and ceremony and preferred to have the Governor maintain the dignity of the character which he had assumed. The trouble really had its beginning during the legislative session the previous winter. The Governor was of somewhat rugged exterior, with the manners of a successful business man, who expects a caller to go when his business is completed. In short, Governor Jerome was not a good "mixer".

As I remember, it was after three o'clock in the afternoon when we reached Cumberland, and there we saw the fine station and dining room, but to our dismay, we heard a repetition of the story told at Grafton—the military trains and other excursionists had eaten everything in the town, and the hotel people had nothing but bread of their own baking and coffee and were out now foraging for something else. After a time they appeared with meat,—beef,—steak of all kinds,—rib steak, shoulder steak, sirloin, and porterhouse, all poor, but fresh. Presently we had meat, bread and steak half cooked, bread without butter, and very bad coffee. The only thing beside was pickles,—plenty of pickles, but by that time our fellows needed nothing sour. After we left Cumberland, "the boys" concluded that somehow the blame for the scantiness of our fare ought to be cast upon the Governor. They said that he thought of nothing but his uniform, and it was

whispered around that his car was furnished with supplies. They said he should have sent a member of his commissary staff as an advance agent to see that at least the guests of the State were decently fed.

We passed historic Harper's Ferry while it was yet light enough to see the places of interest, and reached Washington about 8:30 in the evening. I took a room at the nearby St. James, not far from the Baltimore and Potomac station, in which President Garfield had been assassinated early in the previous July. The railroad company had fenced off the blood spot on the floor; a gruesome sight and a hideous memory. The following morning we visited the United States Senate and were received by President Arthur, in the residence of General Butler across the street from the Capitol.

Without going into further detail, we went to Yorktown by boat that night, arriving somewhat before noon. The afternoon was warm and pleasant and the evening made memorable by an immense display of fire works managed by the war vessels in the harbor. For our accommodation, each member was furnished with a soldier's tent brought on from Michigan. The Governor set up his tent in a conspicuous place and had sentries about, so that it was practically impossible to see him, except by going through the military form and ceremony required to visit a commanding officer.

This gave vast offense to "the boys". In the night a violent wind blew in from the bay overturning some tents and I had great difficulty in keeping mine upright. The wind continued during the day and it was very cold, although the sun was shining.

Somehow in the morning I came across Ball and Rose and we went about together. There were great numbers of people and it seemed as if all Virginia was there, black and white, clothed in rags or otherwise as the case might be. Great numbers of the colored people came in ox-carts—two oxen harnessed in a team, but during the morning hours I saw a cart drawn by one ox. We soon found that "the fellows" were having their pictures taken sitting in or standing near

ox-carts. It was proposed that we, that is, Ball, Rose and myself have our picture taken, and I told them of having seen a one ox-cart. We spent a considerable time in finding it, but finally came across it, over on the beach in front of the bluff upon which Yorktown stands.

It required some persuasion and a little money to get the old colored brother to consent to the use of his property, but, after he did consent, I took it upon myself to persuade his good wife to stand in with us, a very ample figure, as will be seen by one who looks closely. Ball was something of a "josh" and every time I saw him afterwards, as I did frequently during several years, he charged me with carrying on a flirtation with the old colored woman. At all events, here is the picture, and the foregoing is briefly its history.

I have said nothing of the public exercises or the very imposing procession which was a part of them. The most conspicuous and best remembered figure in the procession was General Winfield S. Hancock who had, one year before, been the Democratic candidate for the presidency. The oration of Robert C. Winthrop, Massachusetts, was a masterly effort, well worthy of the occasion. Incidentally, the food was scanty and bad and the water worse at Yorktown.

The return trip of the Michigan Legislature was like the scattering of a bunch of jack rabbits; each man for himself took his own way home.

The aftermath of the affair took place the next year. At the State Convention held at Kalamazoo in 1882, Captain Allen of Ypsilanti nominated Governor Jerome for a second term, in a speech which began in this way: "I rise to nominate as his own successor to the high office of Governor of Michigan, David H. Jerome". The Governor had been a wise administrator and there was nothing against him but the personal objection. I saw Earle again at Kalamazoo and he said to me: "Of course we've got to re-nominate the Governor, but it will be a mighty sight colder day than we had at Yorktown, when we elect him". In other words, the party precedent was too strong to be broken. The Governor had given the State

a good business administration and it was out of the question for the party to refuse him a renomination. Nevertheless, the boys were going to knife him without mercy.

And the hostility to him was carried into the campaign, and at the November election, the voters of the party were deluded, by an unworthy resentment, into the unheard of folly of turning down Governor Jerome. There was a fusion of "Greenbackers" and Democrats and a division of the offices to be filled between the two factions. The entire Republican ticket was elected excepting the Governor, who was defeated by a plurality of 4,572.

ABOUT DETROIT 100 YEARS AGO

BY GEORGE B. CATLIN IN MICHIGAN TRADESMAN

AN old newspaper is about the most despised of all the rubbish that accumulates about a house or blows about littering the streets. Tidy people either consign them to a bonfire or bundle them to be given to the rag man or to some collector from the Salvation Army. But if such a newspaper is laid away in some obscure place and not discovered until 100 years later its former interest is revived and often intensified because it brings back to the reader a reflection of a time and conditions of which he has no knowledge and so again it becomes a real newspaper.

A charming young lady comes forward with a frayed and ragged copy of a newspaper, yellow with age and asks: "I wonder if you would be interested in this?" An old newspaper man is always interested in an old newspaper—the older both man and newspaper are, the greater the interest. So the answer is "of course." He takes the aged print and sees written in its upper right corner the name of M. Norris, for newspapers of 100 years ago were labeled by hand in that fashion, before the day of mailing machines. The old-fashioned long-winded title shows that the paper is old and that it really represents a merging of two newspapers, in the hope that one may be able to live where two nearly starved before. The date line is "Wednesday, October 19, 1831," and this is 1931. So it is certain that all who had a hand in its production now have their addresses posted on marble slabs in one cemetery or another and perhaps they lie scattered over many states.

The paper was originally delivered to Mr. Mark Norris, a man of distinction who lived in Ypsilanti 100 years ago. Years afterward a son was born to him who was given the name Lyman Decatur Norris and he became a noted lawyer of Grand Rapids 60 years later. To-day a grandson carries the original name of Mark Norris with distinction, for he, too, is an able

lawyer, a Past Eminent Commander of the Knights Templar of Grand Rapids, Past Right Eminent Grand Commander of Michigan and is now Very Eminent Grand Junior Warden of the Knights Templar of the United States, in line for election later on to the position of Most Eminent Grand Master of the United States of America—the highest office in the gift of the order in this country. The business men who advertised their wares in its columns are gone and mostly forgotten by the men who do business in their former places to-day, but the tattered old newspaper is rich in the lore of the city of Detroit when it had a population of only 2,500 souls.

This Detroit Journal & Michigan Advertiser was published and edited by William Ward, one of Detroit's early editors and a writer of books in his time. In 1829 he published a book entitled: "The Rise of the West and the Ages of Michigan," meaning, no doubt, the geologic and ethnologic ages. Mr. Ward was a member of the earliest Bible Society of Michigan. He was one of the organizers of the Detroit Lyceum in 1818 and with him were associated Gov. Lewis Cass and Henry Rowe Schoolcraft, himself one of the authorities on the early history of the State and a compiler of the lore of the Indian tribes who once inhabited Michigan. Mr. Schoolcraft had a very talented Indian wife. Other members of the Lyceum were Augustus S. Porter and Lucius Lyon, both senators representing the State of Michigan in Congress after statehood had been attained. Also Dr. John L. Whiting, Walter L. Newberry, of the firm of Oliver & W. L. Newberry, vessel owners, and B. F. Farnsworth, a hotel proprietor of early days.

In association with another notable group of men in 1829 Mr. Ward was one of the founders of the Detroit Female Seminary, which was afterward built on the Detroit city hall site. The editor and publisher was evidently proud of his learning in the classics, for at the head of his newspaper he displayed a symbolic design showing two eagles, one on each side of a tall pine tree with the National legend "E Pluribus Unum," and over all the prophetic Latin proverb "Tandem Fit Surculus Arbor," meaning, the twig may yet become a tree.

The paper was printed in six wide columns to the page and was 16 x 21 inches in size and well printed.

The advertising columns furnish a panorama of business firms that vanished out of sight long, long ago. Chapin & Owen sold groceries, paint, drugs, medicines, oils, wines, tobaccos and nearly everything else. If one could by rare chance happen to ask for something they did not have in stock the boy clerk, Jacob S. Farrand, would slip out to the next door and get it or the proprietors would be able to supply something "just as good, or a little better." Each advertisement was dated at the bottom just to show the reader how many months it has stood unchanged in that day when changes were a little slow in happening.

E. Bingham advertises paints and oils and—poor man—his enterprise cost him his life. In a warehouse between Woodward avenue and Griswold street and just south of Jefferson he manufactured "burning fluid" for parlor lamps, sometimes called camphene. It was a more agreeable illuminant than the old-fashioned smelly whale oil, being a compound of alcohol, turpentine and camphor gum. On New Year's eve of 1842 Mr. Bingham thought he would start the new year right by making up a big batch of the compound. He must have had a careless moment, for suddenly the whole interior of the building was a solid mass of flame. Escape was impossible and when would-be rescuers arrived the building was far gone. The fire raged all that night and did not stop until the entire city block between Jefferson avenue and Woodbridge street, Woodward avenue and Griswold street was laid in ruins. The stores of Chapin & Owen, full of paints and oils, the drug store of Dr. John Clark, the general store of Thomas & Friend Palmer, the New York & Ohio Hotel, the Saginaw House and many other business buildings all went up in smoke together.

John L. King advertised his clothing stock at Bates street and Jefferson avenue to such good advantage that soon he was able to swing out in a new location, at the southeast corner of Woodward and Jefferson, where he built the first four-story business block in Detroit. This sky-scraper of the 1830s

was so conspicuous that the location was known for many years as "King's Corner."

Major John Truax had a store at Woodward and Jefferson. One novelty he advertised was "Parsons & Wilders shearing machines, not for shearing sheep, but for shearing clothing." George L. Whitney, who published several of the early newspapers of Detroit, had a book store from which he advertised the sale of a lecture by Henry Whiting which had been delivered before the Michigan Historical Society. People would read anything in those days. Zelotes Kirby, a pioneer leather dealer, offered 200 sides of harness and bridle leather, without explaining the fine distinction. Francis P. Browning, promoter of the founding of the First Baptist church, offered flour, grain, pork, lard and cider which were the bread, meat and drink of the day. John Clark a general stock of dry goods, boots and shoes, groceries and clothing. Evidently he omitted mention of his millinery.

Levi Brown, the first man in America to make gold pens, also offered clocks, watches, jewelry, Britannia ware, plated ware, Indian jewelry, cutlery, on Jefferson avenue west of Griswold street. Later he sold out to Chauncey Payne and went to New York to devote himself exclusively to gold pen manufacture. Darius Lamson has just received two trunksful of superfine broadcloths and fancy vests. Sprenger & Selleck have a fancy tailoring shop opposite the Farmers & Mechanics bank. L. Rice offers ten yoke of oxen and 20 milch cows. A. M. Hurd has received a choice lot of caldrons and large kettles of from 22 to 60 gallons capacity. Those were the days when people made their own soap, in the shade of the old apple tree, and also boiled cider apple sauce, better known as "winter sass."

Four columns of miscellany on the first page offer scant opportunity for screaming head lines. There is a poem from N. P. Willis who has others "now in press at Brown University." Mr. Willis was in one of those "ask-me-another" moods for he begins "What is Ambition?" and then he proceeds to tell his readers all about that troublesome affliction. He

follows with "Fame's Epitaph on Her Favorite Son." Said son at that particular moment just happened to be the late Governor DeWitt Clinton, of New York, promoter of the Erie Canal. Fame, however, kept right on picking new favorite sons and forgetting the older ones.

The second page of the Detroit Journal & Michigan Advertiser is, if possible, even less exciting than the first. There is nearly a column of so-called foreign news, from three to six months old. Also a two-column report of a public meeting of the Friends of American Industry, at Philadelphia, and a long "Report to the People of the United States," which is "to be continued in our next", a cross between a sermon, a moral essay and a dull political tract. No doubt hundreds of patient Detroiters of 100 years ago waded solemnly through the whole mess of it, wondering what it was all about and ending no wiser than when they began. But anything in print was sacred in those days. Half a column of a report of the missionaries in the Cherokee Nation finished that second page.

The third page showed a feeble attempt at publishing local news. A quarterly meeting of the Detroit Athenaeum was held last Monday evening and a committee consisting of Colonel Joshua Howard, Daniel Goodwin and Elon Farnsworth, Esq., was appointed to procure an act of incorporation. General Cass, having resigned as president of the society, Col. Joshua Howard was elected in his place.

Another item would mean nothing at all to a person not intimately acquainted with Detroit history. It reads: "Mr. H. K. Avery has been appointed cashier of the Farmers & Mechanics Bank in place of Henry H. Sizer, resigned." Mr. Avery afterward met his death in a peculiar way. One night he entered the fashionable saloon of Bull & Beard in the basement at the southeast corner of Jefferson and Woodward avenues. Like many men of his time he occasionally indulged in strong liquors and whenever he did so he was apt to forget his slender, almost fragile physique and he would pick a fight with the biggest man he could find.

On this particular evening Sheldon McKnight, principal owner of the Free Press and also postmaster of Detroit, happened to be in the saloon in conversation with a friend. He was recognized as the most powerful man in Detroit, physically, but a very peaceful and kindly man. Mr. Avery saw him and at once started to pick a quarrel. McKnight told him to go away and mind his own business. Avery kept coming back at him daring him to fight. McKnight laughed and pushed him away and this only made Avery more angry. At last in a moment of exasperation McKnight struck Avery across the side of his head with his open hand. Avery reeled, went over backward and his head crashed against the floor so violently that his skull was fractured. He never recovered consciousness and died before a physician could be called. McKnight was arrested but on hearing the testimony of the persons present at the time, he was discharged. He was heart-broken over the tragedy and, besides bearing the cost of the funeral, he contributed to the support of the widow and secured a position for her son in the Bank of Michigan.

Another local item states that "We hear with pleasure that the Protection Fire Insurance Co., of Hartford, Conn., has appointed Asher B. Bates as their agent in this city and that he will be prepared in a few days to issue policies." Asher B. Bates was a prominent lawyer in 1830 and was for several years Recorder of Detroit. He built a frame house at the northeast corner of Fort and Cass streets in 1835 and lived there until he sold out and went to the Sandwich Islands (Hawaii) to live. His former home was occupied for a time by John Chester, a local merchant and officer in the old Brady guards. The house was later purchased by John P. Clark, who removed it and built a fine residence on the spot. The site is now occupied by the Detroit Club.

"Expedition to the North. Among the passengers who arrived yesterday in the Napoleon from Sault de Ste. Marie, was Dr. Douglass Houghton, who accompanied Henry R. Schoolcraft on his late expedition to Lake Superior and the Mississippi River. The result of the scientific investigations

of these gentlemen will soon be made public and, no doubt, will add much to the limited knowledge of this extensive region of country. The discovery of a new and extensive copper mine at Point Kewewana (Keweenaw) is important to the commercial interests of this territory and it will undoubtedly become a source of wealth to the country.

"The geographical position of several rivers and lakes in the Ouisconsin (Wisconsin) territory has been discovered to vary greatly from the courses laid down on the maps. Correct drafts have been made and will be forwarded to the Secretary of War. We trust our enterprising publisher, Mr. John Farmer, will avail himself of these discoveries in his next publication of a map of the Uuisconsin Territory. As soon as it is practicable we shall present our readers a more minute account of the expedition."

Here we have the beginning of what later developed into the state geological survey and explorations which led to the discovery of the iron and copper mines of the Upper Peninsula. The only other local news item announces the arrival of Elder John Sunday, a converted Chippewa Indian, who had become a missionary under the auspices of the Methodist Episcopal church to work among the Chippewa Indians.

Henry Griswold, the hatter, advertises "fashionable hats cheaper than they can be bought elsewhere or anywhere this side of New York." He also offers to buy furs and peltry. Mr. Griswold had his store on Jefferson avenue adjoining the Southeast corner of Griswold street. This store and several others were destroyed in the fire of 1830, which began in the Detroit Gazette office. Judge John McDonnell lived over the store at the time of the fire. Oliver Newberry offers for sale 100 barrels of Lake Superior whitefish.

There was a wedding notice of particular interest: "Married on Thursday evening, by the Rev. Richard Bury, Col. John Winder to Miss Elizabeth Williams, all of this city." Miss Elizabeth Williams was the oldest daughter of John R. Williams, first Mayor of Detroit and a native of Detroit. Gov. George B. Porter, who had succeeded Gov. Cass, publishes a

proclamation announcing the appointment of Roger Sprague, Thomas Rowland and Joseph W. Torrey as commissioners for locating county seats in several of the newly created counties of Southern Michigan and announcing the location of the county seat of Calhoun county at Marshall. Attested by Stevens T. Mason, secretary of Michigan Territory. Mr. Torrey was the local representative of the Linnean Botanic Garden and Nurseries of Flushing, N. Y.

Walter L. Newberry, local representative of the New York Consolidated Lottery, announces that its 66th drawing will soon occur. There will be 18,040 prizes ranging from \$12 to \$40,000. Tickets only \$10. Garry Spencer and Henry Silleck announce the dissolution of their tailoring firm. Mr. Spencer will continue in business in Mechanic's Row on Jefferson avenue, opposite the receiver's office.

A legal notice from the probate court states that the late Jean Baptiste Beaubien has died intestate and the estate is to be settled after all creditors' claims have been presented. Mr. Beaubien was owner of the old Beaubien farm and a member of one of the earliest French families in Detroit. His family name had originally been Cuillerier (meaning spoonmaker) but in 1670 Jean Cuillerier married Catherine Trotier de Beaubien and he took his wife's name for himself and their descendants. They came to Detroit in 1721. Following the death of her husband Mrs. Beaubien married Francois Marie Picote de Bellestre, who was the last French commandant of Detroit. It was he who was forced to surrender to the British in 1760. The first Beaubien to settle in Detroit was named Antoine. It was John Baptiste, brother of Antoine who obtained the first title to the Beaubien farm. St. Antoine and Beaubien streets perpetuate their names in Detroit. John Baptiste was a persistent name in the family, it was a later Jean Baptiste who followed John Kinzie to Chicago River and became the second white settler on the site of Chicago. In later years the Beaubien farm was equally divided between Antoine and Lambert Beaubien and the farm still bears their name al-

though it is now the site of the homes of thousands of Detroiters.

Another notice from the probate court refers to the estate of James May. Judge James May was a native of Birmingham, England, who became an early settler in Detroit under the British regime. He married a French woman, Rosalie St. Cosme, and she died in 1797. Later he married Margaret Descomptes Labadie. Four children were born of the first marriage and ten of the second. One daughter, Elizabeth May, married Gabriel Godfroy; Margaret married Edward Brooks; James married Susanne Fournier; Mary Ann married Louis Moran; Caroline married Alexander D. Fraser, a noted lawyer; Samuel William married Silence Cushing, a strange though not uncommon name for a woman in early days. St. Paul said "Let women keep silence in the churches," but the women seem to have forgotten the injunction and it is well for the churches that they have. The elder James May was a justice of the peace and later a judge of the county court. He was a man who knew how to take opportunity by the forelock instead of the fetlock. When Detroit lay in ruins with an array of stone chimneys standing like monuments where the old town had been he seized the opportunity to wreck the chimneys and to use the stone for the erection of a massive house on his own land at the west side of the town.

This house he presently sold to Judge Woodward who rented it for a hotel, keeping a room on the upper floor for his own use. When the British batteries bombarded Detroit from the Canadian shore on the morning of August 16, 1812, one of the wild bombshells crashed through the roof of the Mansion House, as it was called and landed in the middle of the bed the Judge had just vacated. From there it bounced to the floor and rolled into the cold fire place. The Judge did not stand upon ceremony but departed for the street, just as he was. Fortunately the fuse of the shell was detached as it came through the roof. Judge May died January 19, 1829.

Horace Hallock, who had recently come to Detroit from New York City, advertised the opening of a new clothing store,

opposite the drug store of Chapin & Owen on Jefferson avenue. Mr. Hallock brought with him his youthful brother-in-law, Francis Raymond, who became his clerk and later his partner. The firm continued in business for many years on Jefferson avenue. Mr. Hallock became one of the leaders in the First Presbyterian church and was superintendent of its Sunday school for many years. Francis Raymond became one of the charter members of the First Congregational church, its Sunday school superintendent and was clerk of the church for more than thirty years.

Brown & Kellogg announced the opening of another store with a general stock of goods and one of the most extensive displays of wall paper shown in the city. They offered "two dozen single and double mattresses—preferable to beds—300 barrels of salt, groceries, wines, hardware, iron, nails, and a very choice selection of the most fashionable crockery, and a few dozen of St. Johns most fashionable beaver hats," the hats of our great grandfathers.

John & Mason Palmer, cousins of Thomas and Friend Palmer, advertise a similar line of goods and so do Wm. S. Abbott and John Truax & Co. Truax & Co. specialize in window glass. F. H. Stevens sticks closely to hardware in the three story building of Darius Lamson, lately occupied by Francis P. Browning. Cullen Brown has moved his saddlery shop to Mechanic's Row on Jefferson avenue where he offers "saddlery hardware, military goods, swordbelts, uniform trimmings, coach trimmings, coach, gig, hunters, drovers, wagon, dog and switch whips, also stage, tandem and common whip thongs." Could anybody ask for a greater variety of speed persuaders?

Sherrod McCain advertises his jewelry stock. Harry Keyser is a victim of domestic infelicity for he "forbids and prohibits all persons whatsoever from trusting or harboring my wife Hannah on my account, she having left my bed and board in Pontiac without any just cause or provocation." Whether this advertisement brought Hannah home again in a penitent mood, is not disclosed.

In 1831 there was no police or detective agency in Michigan Territory and so people had to protect themselves against sharp practices by resort to the advertising columns. It should be added also that there was no troublesome libel law to lay restraints upon such advertising. Here is a sample of the manner in which people advertised malefactions:

"Stop thief—runaway from the subscriber, a fellow who called himself Nathan Powers, middling size, round favored, bushy hair, rather talkative and of sickly countenance, and a little shallow in the garret; and 22 or 23 years of age. He stole a six-year-old, cream-colored mare, with a white mane and tail, well built, a little tender footed in her fore feet by close pawing; her fore shoes lately set and smooth shod behind. She had a small scar on the lower part of one thigh; racked and trotted; a white strip in the face. He also took a good saddle with a new pad and stirrup leathers and a gold-plated stiff bit bridle with tin slips on it, and a new waterproof hat. He was but poorly clothed. Whoever will secure the thief and property, or either of them, shall be handsomely rewarded and all reasonable charges paid, by giving notice to Benajah Jones, Jr., P. M. at Jonesville, M. T."

The fourth page of the Detroit Journal & Michigan Advertiser is entirely devoted to advertising. "New co-partnership: the subscribers, having become the proprietors of the Iron Manufacturing establishment lately owned and conducted by Harvey Williams & Co., the business will be continued by them under the name and style of the Detroit Iron Co. They are now prepared to execute all orders for castings and wrought iron work of almost every variety and description, including steam engines and mill castings. A steam engine is attached to the establishment and is in full operation. Plows and plow castings of different plans and moulds are kept on hand by the quantity. Orders addressed to J. R. Dorr, agent for the company, will meet with prompt attention." The advertisement is signed by De Garmo Jones, Josiah R. Dorr and Harvey Williams.

This same Harvey Williams might be styled as the father

of Detroit's power industry. He came to Detroit from Concord, Mass., in 1815, a skilled blacksmith, a foundry man and a machinist, full of enterprise and Yankee ingenuity. He was a nephew of Oliver Williams, who came from the same place in 1809; had his lake vessel, loaded with furs, captured at Mackinaw by the British at the opening of the war of 1812 and was carried away a prisoner of war. His vessel, named the Friends Good Will, by its Quaker owner, was then converted into a British gun boat and named the Little Belt, to fight against Oliver Hazard Perry in the battle of Lake Erie and be captured again by the Americans and then converted into a revenue cutter. Oliver came back bravely after the war, undismayed by his bad luck, bringing his nephew with him.

Harvey looked Detroit over with a critical eye and picked out a business location then well out of the town, on the present site of the First National Bank at Woodward avenue and the corner of Cadillac Square. He converted a log house there into a blacksmith shop and rented a cottage fronting on Cadillac Square from Dr. William Brown. His maiden sister, Miss Lucina Williams, a typical New England schoolma'am, came to keep house for him. The nearest iron foundry of size was at Albany, N. Y., so it took a long time to secure castings in Detroit and when they would arrive months after being ordered they were often broken or misfits.

This spelled opportunity for Harvey so he built a small cupola next to his blacksmith shop. He rented a piece of timberland on the Rivard farm and made his own charcoal in the forest. Then he rigged up a huge bellows operated by horsepower to make a blast for his furnace and began making iron castings. Soon after 1820 John W. Hunter arrived from Auburn, N. Y., with patterns for making plow castings and the first cast iron plow in Michigan was made on that site. Harvey then enlisted more capital and started a larger plant on the river front at Hastings street. Still later, in 1827, he imported from the East the first steam engine to be set up in Michigan, a trip-hammer, and an expert forger named Turner

Stetson to operate it. A new plant was built at the foot of First street and then the Detroit Iron Company began operations, making sawmill machinery, stationary engines and marine engines for all the boats built in and about Detroit. The double engines for the steamboat Michigan and the Illinois were built in that plant.

George L. Whitney, who alternated keeping a book store and publishing newspapers for more than twenty years, advertised a list of the books in his stock. James O. Lewis announced that he has moved his portrait painting studio and engraving office to the basement of Mr. Whitney's store at the corner of Jefferson avenue and Griswold street where he will be thankful for all orders in his profession. Lewis was another versatile genius, a clever draftsman, a painter of portraits, an engraver on wood, copper or steel and a first class die-sinker. It was his hand which fashioned the first seal engraved for the State of Michigan. It was Lewis who accompanied Gov. Cass, Schoolcraft and others on a tour of the lakes and a treaty-making expedition among the Indian tribes, when he served as a sketch artist to illustrate the scenery and to execute portraits of all the Indian chiefs of the Chippewa, Menominee, Winnebago, Sacs and Foxes and other Western tribes. These portraits he afterward published in portfolios and sold them at Detroit book stores.

The steamboat advertising showed that the Niagara, Captain Chelsea Blake; the William Penn, Captain Wight; Ohio, Captain Cahoon; Enterprise, Captain Miles; Henry Clay, Captain Burton; Superior, Captain Pease and the Sheldon Thompson, Captain Walker, were all plying between Detroit and Buffalo, stopping at Salem, Ashtabula, Grand River, Ohio, Cleveland, and Sandusky, en route, "when the weather would permit."

The General Gratiot was plying between Fort Gratiot and Maumee, stopping at all way ports. Capt. Robinson was master of the boat and sailing notices all ended with the clause: "wind and weather permitting."

Two other probate notices are of particular interest. One announces the appointment of commissioners to settle the estate of the late Stephen G. Simmons, the appointees being Jonathan Kearsley, Charles C. Trowbridge and Henry S. Cole, all notable residents of Detroit. Simmons was hanged on what is now Library park—the site of the old county jail in those days—in the fall of 1830. He was a former hotel keeper at Wayne and while drunk had struck his wife a blow with his fist causing her death. The offense at its worst was a case of manslaughter and the execution caused such a revulsion of public sentiment that capital punishment in Michigan stopped right there.

Another probate notice is the appointment of Elijah Willits as administrator of the estate of William Belcher deceased. Belcher was a half-brother of Willits' wife, and the two were heirs of the estate of Bridget Belcher who had owned the northeast corner of Griswold and Larned street where the new Union Trust building now stands. Mrs. Belcher had owned another house on Larned street near Shelby and her son William had been given a donation lot by the Governor and Judges in 1809.

John L. Whiting, city clerk, announces that the assize of bread loaves, fixed by the Governor and Judges, requires that the large loaves shall weigh 65 ounces and the small loaves 32½ ounces, when made of ordinary flour and 63 and 31½ ounces respectively when made of superfine flour.

Thus, it will be seen, an old newspaper may furnish a sort of mirror of the time in which it was published. In its crudely fashioned pages and columns the men of the hour are made to parade before the eyes of the reader; the social status of the community, its trade and industry, means of communication and transportation and the beginning of its development are all faithfully shown. Old newspapers, no matter how worthless they may seem as one gives a careless glance at their tattered pages, yellowed with age and soiled with much handling and the accumulated dust of 100 years, they still

provide the best resort for the historian who would put on record an accurate picture of the time.

Mark Norris was a native of Vermont who migrated as a young man to Genesee county, N. Y., settling at Covington. There on January 13, 1820, he married Roccena B. Vaill, a school teacher. Mr. Norris at the time had a small store and was operating an ashery for the manufacture of potash. In 1824 he was appointed postmaster. Members of the Masonic order were for a time under the public ban because of the abduction of William Morgan and to get away from the atmosphere of bitter prejudice Mr. Norris moved to Michigan and settled at Ypsilanti in 1828. There Mr. Norris built a dam across the Huron river and a carding mill to be operated by water power. In the fall the village postmaster appointed Mr. Norris as his deputy and soon after he received the appointment from Washington. In 1833 he was one of the builders of a flatboat named the Experiment to be operated between Detroit and Ypsilanti but the venture proved impracticable because of the crooked course of the Huron, which made the route about 100 miles in length.

In 1834 he headed a subscription list to finance a survey for a railroad to Detroit and later he became one of the directors of the Detroit & St. Joseph Railway, now the Michigan Central. He was active in the promotion of temperance when that was the leading issue. He built and operated a flour mill and in August, 1864, produced 11,000 barrels of flour. He died in March, 1862, after a life of unusual activity and usefulness. His son, Lyman Decatur Norris, became one of the leading lawyers of Michigan, spending much of his life in Grand Rapids. He served as a regent of the University of Michigan for several years. His grandson, Mark Norris, son of Lyman D., is a prominent resident of Grand Rapids. Lyman Decatur Norris, of Grand Rapids, studied law in the office of Alexander D. Fraser, of Detroit, who is mentioned in this newspaper.

HISTORICAL NOTES

✓ **C**REATED by special act of Congress, the United States George Washington Bicentennial Commission, with offices in Washington, D. C., has planned a celebration of the two hundredth anniversary of the birth of George Washington.

The entire United States is to become alive with local celebrations, which will begin on Washington's Birthday, February 22, 1932, and continue through Thanksgiving Day, November 24, 1932.

The United States Commission is not centering its efforts in the city of Washington but is taking the celebration to the people. The details of local celebrations are to be arranged by each community for itself. The Commission is furnishing literature and suggestions on a wide range of subjects relating to the life of Washington. Programs, pageants, plays, colored slides, music, speeches, reading lists and suggestions for organizing community celebrations for this event may be obtained free on request from this Commission.

✓ **A**T a time when elaborate preparations are being made everywhere for celebrating the bicentennial of Washington's birth in 1932, there are abundant reasons for giving attention to the many reprints of the *Ulster County Gazette*, published at Kingston, New York, January 4, 1800.

✓ reprints
New York
The funeral of George Washington occupied parts of the inside pages with the customary inverted rules to give the black borders of mourning, which made the paper an attractive item contemporaneous with Washington's passing.

The flood of reprints of this humble little newspaper has caused it to be referred to as "without doubt the most widely known literary relic in this country."

For years as the month of February drew near, the librarians and newspaper editors of the nation have received appeals from owners of copies of that famous newspaper. Nearly every one of the owners was convinced that the copy

possessed was an original which had been in the family for generations.

No other item in American literature has received such extensive, minute and careful study as this *Ulster County Gazette*. The decision arrived at is that not one original copy is known to exist at the present time. Sixty-seven reprints, beginning about 1825, have been catalogued. There is little surprise in the quotation that the *Ulster County Gazette* "covers the country like the dew." Probably a ten-year-old issue of any present day newspaper in the United States would be more difficult to find than one of the reprints of this paper one hundred and thirty-one years after its first appearance.

Reasons for this phenomenal condition have been studied by many experts and their conclusions seem logical enough except as to the large number of reprints. The original was a small four-page paper containing its regular amount of news and on the inside pages, as stated above, an account of Washington's funeral. Washington died on December 14, 1799, and, by the time the *Ulster County Gazette* of January 4, 1800, made record of the funeral, it is likely that the other 199 newspapers in the United States at that time had also published some account of that event. A few of those other old papers have been reprinted but in no instance comparable to the case of the *Ulster County Gazette* as to number of issues or number of copies.

The paper was established in Kingston, New York, on May 5, 1798, and continued until 1822. The publishers were Samuel Freer and his son, Samuel S. Freer. There have been found copies of three original issues before that important one of January 4, 1800, and another such original after that date. These have been of great assistance in studying supposed originals of the duplicated copy.

It is undoubtedly true that original copies existed and were used when the first reprints were made. The motives for those earliest reprints were probably sentimental and patriotic,

to celebrate an anniversary of the paper or of Washington's death. In later years the motives were quite mercenary.

Some of such motives were revealed in bold circulars to promote the sale of the reprints. One of these of 1857 is headed "Literary Curiosity!" and quotes approving paragraphs from contemporaries. The portion there credited to *Emerson's Magazine and Putnam's Monthly* relates the finding of an original copy beneath the lath and plaster of an old house that had been demolished and "some enterprising citizens" were preparing type and paper to issue an exact copy. This issue was to sell at ten cents a copy or one hundred copies by express for five dollars. Another circular of about 1867 was headed, "The Oldest Paper! A Relic of 1799." Both statements are errors. This printer says: "and now offer, after much delay and expense, so close an imitation of the original, that it is questionable whether Samuel Freer himself, the old publisher, would detect the counterfeit, were he still in the land of the living." He was to sell the reprints at ten cents a copy and added that copies would be "exposed for sale in all the cities and towns of the United States."

Patriotic and mercenary motives were combined in 1876 when another reprint was sold in large bundles at the Centennial Exposition in Philadelphia. Those copies spread in all directions.

Wisconsin has had much experience with the reprints being offered for the consideration of librarians and others. In the *Wisconsin Magazine of History* for September, 1918, there is an article entitled "Historical Fragments" in which Dr. M. M. Quaife tells about the efforts of owners to sell their copies. He also tells about a colored printer in Decatur, Illinois, "a dozen years ago," who reprinted the *Ulster County Gazette* and sold his issue to local merchants. They gave away the papers as premiums with each purchase at their stores.

The American Antiquarian Society has a copy of a letter from Mr. Folger McKinsey telling how a reprint was made in the office of the *Daily News*, Frederick, Maryland, for a little man whose name is forgotten. Ordinary news print was cut

to the proper size and soaked in an old tan vat to give it a semblance of age and then, after drying the paper, reprints were made about 1888 and run off in ten-thousand lots. These were shipped to the customer wherever ordered and for a period of ten years were sold by him at County or State Fairs for five cents a copy. It was that customer's only source of income.

It is quite likely that the copies are now so numerous from the many reprints that every newspaper in the United States has had occasion to mention, at one time or another, the famous old *Ulster County Gazette*. On December 29, 1926, the *Courant* of Hartford, Connecticut, published a playful article, which included: "The mystery is one which the angels would fain inquire into and, in fact, they have, for Vassar College has a wonderful collection of copies of this issue, each of the same date, but no two alike."

The one who headed up the work at Vassar College was the late Professor Lucy M. Salmon. In 1925 she issued a revised edition of her small folder telling about the thousands of copies of reprints but declaring that no original copy was known to exist. She said that Vassar College would appreciate the gift of any reprint, adding: "The numbers have, as far as known, no commercial value, but they are of great service in our work in history." In 1923, she had published her important book, *The Newspaper and the Historian*, in which on pages 420-421 she discusses the *Ulster County Gazette*, reproducing photographed headings of sixteen different reprints.

Mr. Harry Miller Lydenberg, Assistant Director of the New York Public Library, began work with that great institution as cataloguer in the Lenox Branch in 1896. He contributed to the *New York Times Saturday Review of Books* for August 27, 1904, an article which is now in the bibliography as "apparently the first study of the various reprints of the *Gazette*." Professor Salmon says that with that article in hand one can identify any of the reprints.

Mr. Clarence Saunders Brigham, former Librarian and now

Editor of the American Antiquarian Society, Worcester, Massachusetts, has collected and studied copies of the reprints. The Society has sixty-eight copies of thirty-one different issues.

Mr. J. Van Ness Ingram, of the Library of Congress staff has studied the issues of the paper. In 1929, the typed list was revised proving identification for twenty-two different issues or reprints. That list needs further revision for it is known that the Library of Congress now has forty-five copies of twenty-five issues. In order to answer many questions, the Division of Accessions, Library of Congress, issued an undated, single-page circular, entitled "The Ulster County Gazette of January 4, 1800," giving information about the many reprints and something of their nature and furnished to inquirers without costs. As the Library of Congress enjoys the confidence of the American people, it is well to quote here from that circular letter:

"Almost every private owner of one of these reproductions honestly believes that he has an original copy, but persons who are competent to decide and who have taken an interest in the question, are of the opinion that no authenticated original issues can now be traced. * * * The commercial value of the reprints does not exceed fifty cents. It is impossible to tell how high a bid somebody might make on an original issue, supposing one should unexpectedly be discovered. Such a copy might bring about fifty dollars, but hardly much more."

That quotation is made from a copy of the circular received by the present writer in January, 1926, from M. A. Roberts, Chief of the Division of Accessions, Library of Congress. In the five years since that date much study has been given to the subject and many publications have commented on the probable non-existence of a genuine original. From such abundant publicity it is, of course, probable that a genuine original would bring a much higher price than the fifty dollars mentioned.

The New York Public Library has thirty-four copies of thirty-one different issues, half the number of copies from an equal number of issues, as those in the collection of the

American Antiquarian Society. However, the New York Public Library has apparently caused an examination to be made of all the collections and has gathered information from all known sources for the recently published pamphlet of thirty-four pages. Here Mr. R. G. W. Vail, formerly of the New York Public Library staff but who has recently become Librarian of the American Antiquarian Society, has given a history of the paper, its publishers and the known reprints, sixty-four in number. On the last page is a note describing three new discoveries of reprints bringing the total to sixty-seven. Professor Salmon, in her above quoted book, reproduced sixteen headings of the reprints. In this pamphlet of the New York Public Library there are reproduced such photographed headings accounting for sixty-three reprints, adding "No. 64 not seen." On page 19, the pamphlet describes the three large collections of reprints, mentioned above, and then says: "Other notable collections of the reprints of the *Gazette* will be found in the New York Historical Society, New York State Library, Vassar College Library, Wisconsin, Connecticut, and Massachusetts Historical Societies, and in the libraries of Yale, and the University of Chicago, as well as a few variants in virtually every library and historical museum in the country."

The experts have used all known tests such as the analyses of paper and ink and measurements of type. They have numbered and catalogued the different reprints. It is therefore wise for anyone having a copy of the *Ulster County Gazette* of January 4, 1800, to submit it to a dependable institution, such as the Library of Congress, Washington, D. C., the New York Public Library or the American Antiquarian Society, Worcester, Massachusetts. This suggestion is made only for the owner of a copy who may wish to learn whether or not it is an original, and, if not, of what age the reprint may be and also about what price could be expected from its sale.

The owner of any copy of the famous little paper may appreciate a chance to check its contents. There being no genuine original available, Mr. Vail has prepared a description

of the contents by comparison of the numerous reprints and placed it in the New York Public Library pamphlet on pages 6-7 as follows:

"Page 1, *Column 1*: Notes on the Dec. 10 sessions of the House of Representatives and Senate with their addresses to President John Adams relative to his previous message to both houses, and his reply to the addresses; *Column 2*: same continued, and beginning of foreign news dated from London, Oct. 18 [1799], including account of an engagement between the British and Dutch forces on Oct. 10th; *Column 3*: same continued, including news of military affairs in Switzerland, and account of battle of Zurich, Sept. 25, reprinted from *London Gazette* of Oct. 20, 1799; *Column 4*: same continued, also later dispatch dated Sept. 30, and extracts from a letter dated Sept. 16;

"Page 2, *Column 1*: same continued, also extracts from letter of Sept. 29, dispatch from London of Oct. 20, also 'Latest foreign' dispatch giving letter of Oct. 7, 1799, from Archduke Charles, all relative to campaign in Switzerland; *Column 2*; military dispatches from Paris, Oct. 13 (regarding Buonaparte), Strasburgh, Oct. 9 (Germans have retaken Mannheim and Frankfort), and London, Oct. 24 (Evacuation of Holland by the British), also news of Congress, Dec. 19, 1799; *Column 3*: same continued, including address on the death of Washington delivered before the House by [John] Marshall, also beginning of address of condolence of the Speaker of the House delivered to the President, including resolutions of the House on the death of Washington, drawn up by General Henry ["Light Horse Harry"] Lee, father of General Robert E. Lee, containing the famous phrase: 'first in war, first in peace and first in the hearts of his countrymen'; *Column 4*: same continued with the President's reply eulogizing Washington, also Senate's message on same subject, with President John Adams' reply dated Dec. 22, 1799;

"Page 3, *Column 1*: same continued, also dispatch from George Town, Dec. 20, giving full account of Washington's funeral; *Column 2*; same continued, also summary of foreign

news, three legal notices and two advertisements (heifer found, and peas for sale); *Upper right corner, occupying part of Column 3 and 4*: a six stanza poem of four lines each written especially 'For the Ulster County Gazette on the death of General Washington. By a young lady;' *Remainder of Column 3*: two legal notices; *Remainder of Column 4*: same continued, also rhymed advertisement of Luther Andres & Co., also list of unclaimed letters.

"Page 4: 33 legal notices and advertisements."

That description is probably as nearly correct as one can now be made. Owners of some of the reprints will find the news and advertisements shifted from one column to another but most of the printers have tried to reproduce all of the contents.

This note is adapted from an article by Prof. Edmund S. Meany appearing in the *Washington Historical Quarterly*, January, 1931. Since the publication of Prof. Meany's article a genuine copy of the original *Ulster Gazette* has been acquired by the Library of Congress, along with the original copies of the two issues immediately preceding and following that date.

CELEBRATION of the Centennial of Michigan's birthday is drawing near—Nov. 2, 1935.

In the Spring number of the Magazine for 1929 Attorney Shelby B. Schurtz of Grand Rapids argued the date 1935 instead of 1937 for the centennial celebration. The question was referred to Wilber M. Brucker, then Attorney General, who reported to Governor Green as follows:

"1. Michigan became a State November 2nd, 1835. The Great Seal of the State of Michigan bears the date '1835'." (Mr. Brucker also cited other authorities.)

"2. The State of Michigan was admitted into the Union January 26, 1837, by Act of Congress.

"Inasmuch as these questions are settled the only one remaining is the question of policy, viz: Shall Michigan celebrate as its Centennial 1835-1935, or 1837-1937? Inasmuch as this involves a matter of interest to the people of Michigan, I would respectfully suggest that it is a proper question for the 1931 session of the legislature."

This matter was submitted to United States Senator Arthur

*Selected
centenary*

H. Vandenberg and to State Senator Ernest T. Conlon; Senator Vandenberg advised the Michigan Society of Washington to change its annual banquet date from January 26 to November 2, and to celebrate Michigan's Centennial in 1935; Senator Conlon introduced a Concurrent Resolution to have Michigan's Centennial held in 1935, which passed the legislature and was signed by Governor Brucker. The Centennial Celebration of the birth of the State of Michigan will therefore be on November 2, 1935.

We can hardly imagine anyone with Michigan spirit passing over the period Nov. 2, 1835 to Jan. 26, 1837 as though it did not exist. Our first Governor, Stevens T. Mason, our Supreme Court, our Legislature, our State laws, made vigorous history in that period.

The State's founders refused to accept even the personal presence of that "Territorial Governor" President Jackson sent out here, John S. Horner, who arrived in Detroit only to flee at once to a neighboring town for safety, from whence at the end of a week Governor Mason escorted him to a steamer, which bore him away.

Michigan is the only State to have had this particular kind of unique history—and why should we not dwell upon it and be proud of November 2, 1835?

MANY inquiries have been received about the origin of the name "Michigan."

The word Michigan, as applied to land area, first appears in the proceedings of the first session of the eighth Congress in February, 1804, culminating in the Act of January 11, 1805 in the second session of the same Congress, establishing the Territory of Michigan. It then included the present lower peninsula,—extended southward to a line drawn due east from the southern extremity of Lake Michigan— and that part of the upper peninsula east of a line drawn north through Lake Michigan to Lake Superior.

The name "Michigan" applied to the Territory and State unquestionably was taken from the Lake.

The first reference to Lake Michigan is in the *Jesuit Relations* of 1640.

The first map to show a body of water at all corresponding to the Lake was that of Sanson, made in 1650.

Joliet's Map of 1674, while showing the entire Lake for the first time, is not at all accurate in its outlines, and calls the Lake "Las des Illinois ou Missihiganin."

In the *Jesuit Relations* of 1712, Pere Marest, a Jesuit priest who had spent some time in Illinois with the Indians, speaking of his return in 1711 to Mackinac, says, "We sailed the whole length of Lake Michigan which is named on the maps Lake Illinois without any reason since there are no Illinois who dwell in its vicinity."

It seems to be reasonably clear that the meaning of the word is the "Great Lake," as the first part of the word "michi" certainly means "great" or "large,"—the same as "missi" in Mississippi, the "great water."

The question is discussed at some length in the *Michigan Historical Collections*, Vol. 38, pp. 140-143, in an article by William L. Jenks.

THE State Committee on Changing Names of Lakes and Streams reports the following changes made since its appointment in 1927:

Alcona County, Mud Lake to Jewell Lake—"Mud" is far from descriptive of this lake and makes false and undesirable impression. The name "Jewell" was adopted in honor of a little girl who lives on an island in the lake, Jewell Freer, whose father is the owner of the island and Supervisor of Millen Township.

Alger County, Sucker Lake to Lake Nawakwa—"Sucker" is an unattractive name. "Nawakwa" is a Cherokee tribal name meaning "in the midst of the forest".

Branch County, Municipal Pond to Union Lake—Named after Union City and the fact that the body of water is now recognized as a lake instead of a pond.

Crawford County, Portage Lake to Lake Margrethe—In

memory of Mrs. Margrethe Hanson, the wife of Mr. Rasmus Hanson, who donated to the State, for a military reservation, the entire township on which this lake is located.

Ingham county, Pine Lake to Lake Lansing—named for the city of Lansing. There are several Pine Lakes in the vicinity. Lake Lansing gives this body of water a specific name and at the same time indicates its location.

Otsego County, Comar's or Farm Lake to Lake Tecon—The original name was confusing, and the new name fits in with the distinctive development work being carried on there. "Tecon" is a Chippewa Indian word meaning "farm"; Crooked Lake No. 1 to Lake Manuka—"Manuka" is a Chippewa Indian word meaning "friend"; Crooked Lake No. 2 to Lake Wequos—"Wequos" is a Chippewa Indian word meaning "white birch"; Silver Lake to Lake Horicon—"Horicon" is a Chippewa Indian word meaning "lake of silver water."

Van Buren County, Mud Lake to Lake Moriah—Property owners objected to the name of Mud Lake. "Moriah", A hill in Jerusalem, the site of Solomon's Temple.

Wexford County, Wheeler Creek to Mitchell Creek—Named in honor of William W. Mitchell, one of the founders of the city of Cadillac.

TWO items in the report of the William L. Clements Library to the President of the University of Michigan (in *The President's Report for 1929-1930*) are of special interest to readers; one the report on Manuscripts, and second the text of a Memorial upon the death of Professor Van Tyne. The Memorial reads:

"It is with infinite sorrow that we are obliged to record the passing of one of the members of the Library's Committee of Management. Professor Van Tyne was one of the original members of the Committee when the Library was given to the University in 1923. In the building up of the Library's collections in the American Revolution, Professor Van Tyne's aid and counsel have been invaluable. Following is the Memorial

adopted by the University Senate upon the death of this valued friend of the Library:

"Claude Halstead Van Tyne was born in Tecumseh, Michigan, October 16, 1870; he died at his home in Ann Arbor on March 15, 1930, at the age of sixty and at the height of his intellectual activity. Graduating from Tecumseh High School, he entered a bank and rose rapidly to a cashier's position. Then with characteristic courage, he abandoned the certainty of a successful business career for the uncertain rewards of a scholar's life and enrolled as a student at the University of Michigan. After receiving the bachelor's degree in 1896, he went abroad and spent the next two years studying in Heidelberg, Leipzig, and Paris. Returning to America, he entered the Graduate School of the University of Pennsylvania, where he obtained his Doctorate of Philosophy in 1901. For the next three years he was senior fellow in History at Pennsylvania, leaving that institution to become Assistant Professor of History at his alma mater. There he remained for the rest of his life, in spite of several tempting calls from other institutions. In 1906 he succeeded Andrew McLaughlin as Professor and Head of the Department of American History, and five years later appointed Chairman of the united History Department.

"His long association with the University made it inevitable that his forceful character and sincere convictions should exercise a great deal of influence in University affairs. In both the Senate and Faculty of the Literary College, he was a prominent debater and his views were always listened to with respect. To the close of his career he was a valued member of standing committees of the College and of the University. In all these relationships he steadfastly upheld two ideals in college education: breadth as well as depth of scholarship and the need of a serious content to any program of work. Hence he vigorously opposed all attempts to lower University standards and anything that seemed to savor of the trivial and superficial.

"His conduct of his department was exemplary. In no sense an autocrat, he took the initiative in the development of departmental policies but allowed all important decisions to be made by a majority of the group after the fullest and frankest discussion. Needless to say, he enjoyed the confidence of his colleagues and received their loyal co-operation. His influence upon the younger men was particularly beneficial. Always accessible to them and ready to help them in their difficulties, he never hesitated to point out their weaknesses and suggest improvements in their work. At the same time he impressed upon them unceasingly the importance of research as the basis for sound scholarship and effective teaching. Here his example was as powerful as his precepts for, in addition to his publications, he contributed to the programs of the University Research Club, and was a regular attendant at its meetings, and served one term as its president.

"The appearance of his book entitled *The Loyalists in the American Revolution* in 1902 at the very outset of his career as a historian indicated the special period of American history to the interpretation of which Professor Van Tyne devoted his best efforts. This beginning was followed in 1908 by a volume on *The American Revolution* in the 'American Nation' series and by various important articles which indicated the progress of his research. Then in 1921 he published as *The Causes of the War of Independence* the first part of what he planned to be a four volume *History of the Founding of the American Republic*. Of this great work he only lived to complete the second part: *The War of Independence, American Phase* (1929). The high quality of this, his latest and best effort, heightens the tragedy of his untimely death.

"In addition to the foregoing works Professor Van Tyne edited the *Letters of Daniel Webster* (1902), prepared in collaboration with Mr. W. G. Leland, a *Guide to the Archives of the Government in Washington* (1904), and, with Professor A. C. McLaughlin, published *A School History of the United States*. His interpretation of certain events and characters of American history was at times attacked as pro-British by

ignorant sensationalists and mistaken patriots, but he had no difficulty in confounding his critics when he chose to do so by reference to the sources which he knew so well. There is no better proof of the breadth of his historical interests and his insight into political problems than his *India in Ferment* (1923), an admirable survey of conditions as they existed based upon a first-hand study of the situation in 1921.

"Recognition of his merits came to Professor Van Tyne in various ways. In 1913-1914 he was appointed lecturer in the French Provincial Universities on the Harvard Foundation. His visit to India was due to an invitation extended to him as an outstanding student of American institutions to give an impartial estimate of the working of the recently initiated governmental reforms. In 1927 he was the Sir George Watson lecturer on American History, Literature, and Institutions in the British Universities, an appointment under which he delivered the addresses that make up the wholly admirable little work *England and America, Rivals in the American Revolution*. He was also President of the Michigan Historical Commission and from 1915 to 1922 one of the editors of the *American Historical Review*. His last book won for him the Henry Russel Award at this University, and as a posthumous honor, the Pulitzer Prize for the best work of the year on American history.

"Just after his graduation in 1896, Professor Van Tyne married Miss Belle Joslyn of Chesaning, Michigan, who survives him, together with their three sons and one daughter. Throughout his lingering and painful illness, even when the outcome was no longer in doubt, his courage never faltered and he maintained to the very end a keen and unselfish interest in University affairs.

"His death has deprived his family of a devoted husband and father; his friends of a gracious host, a stimulating intellectual companion, a choice comrade in sports; the University of an intellectual leader whose work may indeed be carried on but whose personality cannot be replaced; and the historical

profession of one of its outstanding figures whose loss is lamented by all.

(Signed) William W. Bishop
Randolph G. Adams
Arthur E. R. Boak"

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D R. Randolph G. Adams reports as follows upon the manuscript accessions to the Library during the period 1929-30:

"Again Mr. Clements has acquired a remarkable collection in this field. The British commander in chief in America from 1763 until the outbreak of the Revolutionary War in 1775 was General Thomas Gage. Upon his return to England, late in 1775, General Gage took with him all his American Papers, in twelve large wooden chests and a number of supplementary boxes. These "office files" embraced all his letters from the British Secretaries of State, Secretaries of War, the Admiralty officials, the Treasury officials, and all the others in London who shared in the administration of the colonies. They also included all his letters from America's colonial governors, military commanders at frontier posts, naval commanders of the various American stations, merchants, and the hundreds of individuals who had business with the harassed British 'Viceroy' in the twelve years of his administration. In addition, Gage kept the office copies of all his letters to these various correspondents. This gold mine of prerevolutionary American history has been the property of successive Viscounts Gage at Firle Place, Sussex, for a century and a half. It was not until 1928 that Professor Clarence E. Carter of Miami University investigated and reported upon this collection (see *London Times*, July 12, 1929, p. 11 and *American Historical Review*, XXXV, p. 492). In the spring of 1930 the entire collection recrossed the Atlantic Ocean for its permanent home in Michigan. As yet it is impossible to estimate the contents of this great body of papers. The long-lost letters of Major Gladwin describing Pontiac's Siege of Detroit (1763-1764) have already come to light. Gage's instruction to Lieutenant

Colonel Smith, Major Pitcairn, and Earl Percy as to the fatal 19th of April, 1775, with Pitcairn's report on who fired the first shot have been discovered. Captain Thomas Preston's 5 letters on the Boston Massacre and the subsequent Trials have been found—but these are only a fraction of 1 per cent of what the papers contain. The 75 manuscript maps of America found among General Gage's papers are strongest where the 350 Clinton manuscript maps are weak,—the cartography of the Mississippi Valley, the St. Lawrence Valley, and the Gulf States.

"When Sir John Fortescue published his six volumes of the Papers of King George III, 1760-1783, he did an immense service to American historians. The originals of the George III Papers are the private property of King George V, and are kept in the Royal Library at Windsor Castle. The unpublished part of the George III Papers, 1783-1810, was also transcribed by Sir John, and these amount to 22 large folio volumes of typescript. The Library has acquired these unpublished George III typescripts from Sir John Fortescue.

"Our further accessions in the field of the Treaty of 1782-1783 account for 1,062 sheets of photostats from the Archives des Affaires Etrangères, at Paris, and 723 sheets of photostats from the British Public Record Office. In this work we have been particularly anxious to obtain papers of Richard Oswald, the British Commissioner at Paris, who signed the preliminary treaty with the United States in November of 1782. An interesting, apparently anonymous, manuscript entitled *General Observations relative to the present state of the War, 1779*, 94 folio pages, was offered the Library. Upon identifying the document as being in Oswald's handwriting, we purchased it.

"Our 250 folio volumes of the Earl of Shelburne's papers have yielded comparatively little on the private life of this statesman. It was therefore with considerable satisfaction that we were able to acquire 51 holograph letters of Shelburne to his wife (1767-1770), and 37 holograph letters to his son, Lord Fitzmaurice, who became the second Marquis of Lansdowne (1780-1789). With these are two neatly bound volumes

containing 42 letters, written during the American Revolution, by Grandville Petty, Shelburne's eight-year-old son, to his father. This precocious youngster attracted the attention of Horace Walpole, Colonel Barré, and Joseph Priestley, but unfortunately he died at the early age of ten. The care taken upon the preservation of these letters, which are accompanied by explanatory letters from his tutor, Jervis, bespeaks his father's grief.

"To our division of manuscripts we were able to add 8 volumes of the manuscript minutes of the House of Lords, covering the years 1767-1768, 1768-1769, 1770, 1771, 1773, 1775, 1787, 1788. Our attention was first directed to these by the fact that each contained the bookplate of the Earl of Shelburne. Further investigation into the same source in the loft of a South London warehouse, uncovered for us the *Public and Private Acts of Parliament*, during the eighteenth century, all as originally issued in black letter. One hundred and three volumes of these are now on our shelves at Ann Arbor, each bearing the bookplate of Shelburne, in testimony of its provenance."

DR. M. M. Quaife of the Burton Historical Collection of the Detroit Public Library is engaged upon the editing of the William Woodbridge papers, presumably a task for the next two or three years to come. The papers are voluminous and of great interest, more particularly for the more active period of Mr. Woodbridge's career in Michigan, from 1815 to about the year 1850.

Governor Woodbridge came to Detroit from Marietta, Ohio, in 1815, to accept the appointments of Secretary of the Territory and Collector of Revenue at Detroit. For almost forty years thereafter, he was second only to Governor Cass as the foremost figure in the public life of Michigan, being almost constantly in public office and holding in addition to these offices, appointments of Chief Justice of the Supreme Court, Governor of Michigan, and United States Senator. He was of ancient and honorable New England descent, and his father,

Dudley Woodbridge, was one of the original founders of Marietta, Ohio. He was a man of excellent education and of scholarly type of mind, being in almost every respect an ideal representative of the best blood and character contributed by New England to the upbuilding of the West. Despite his long public career, Governor Woodbridge was not a really successful politician and this fact he himself clearly recognized. As Secretary of the Territory, the duties of the governorship, including the administration of Indian affairs, devolved upon him during the many and frequently extended absences of Governor Cass. After his retirement from the Senate in 1848 he remained a private citizen of Detroit until his death in 1861, at the age of 81 years.

The importance of his papers rapidly diminishes during these later years, and broadly speaking they may be said to cover significantly the period of Ohio history from about 1800 to 1815, and that of Michigan from 1815 to 1851 or 1852. It is this latter period, of course, in which Michigan folk are primarily interested. Woodbridge was a voluminous writer of letters and he carefully preserved all of his correspondence. After his death his son allowed much of the material to be destroyed through inattention and lack of care, but several thousand letters and documents were still intact when Mr. Clarence M. Burton acquired the collection. Save for the private papers of Governor Cass, which were deliberately destroyed by his son-in-law following his death, probably no collection of private correspondence ever existed of greater interest to the history of Michigan for the years 1815 to 1850 than the papers of Governor Woodbridge. Naturally their contents illustrate his contacts and interests. In many ways their publication will shed light on the development of the commonwealth during the period of foundation-laying.

RECENTLY the library of the Ohio State Archaeological and Historical Society has come into possession of the original manuscript *Journal of the Northwest Territory*.

This valuable and carefully preserved volume had been in

the possession of the James family for many years. It had evidently been acquired by John H. James, a scholarly and eminent citizen of Cincinnati in the early part of the last century. At the time of its transfer to the library of the Society it was in the library of a grandson by the same name, John H. James, who has maintained the high standing of the family in scholarship and culture. Mr. James, the younger, has been an editor and banker and prominent in all the public service of the city of Urbana, Ill. He lives in the mansion occupied by his father and grandfather where many notable persons have been guests. Hither came Henry Clay in the days when the United States was full of enthusiasm in his support and here he was entertained by the elder James.

Dr. C. B. Galbreath, of the Ohio Society, had been acquainted with Mr. James for a number of years, knew his interest in the early history of the State, and in a general way was acquainted with the large and rare library in the James mansion. On the occasion of his visit on January 21, Mr. James brought down this volume, handed it to Mr. Galbreath, and said: "Here is something that I think will interest you." As soon as it was opened the familiar handwriting of Winthrop Sargent was recognized; all the more readily because a few years ago Mr. Galbreath, through his acquaintance and correspondence with descendants of the Sargent family, had received from them 1,071 letters and manuscripts which had at one time belonged to Winthrop Sargent, Secretary of the Northwest Territory and Governor of the Mississippi Territory.

For years an effort has been made to complete the official record of the Northwest Territory. In this volume which has been preserved by the James family the record is absolutely complete. The first entry bears the date of July 9, 1788, the day on which Winthrop Sargent arrived at Fort Harmar. The first important record noted by the Secretary is the speech made by Governor Arthur St. Clair on the 15th day of that month. This is given in full.

The dates following, record the important transactions of the government through the entire succeeding period to the 15th day of January, 1803. The last record enumerates appointments that were made on this date.

It was customary, as evidenced in this record, at stated periods to make a transcript of the record and forward it to Washington, D. C. On one of the pages we have this notation:

Copy of this journal to the first day of January 1795, has been transmitted to the President of the United States.

Another instance near the close of the record bears testimony to the fact that this order has been maintained throughout the period. It reads as follows:

The Secretary transmitted to the Department of State a copy of the official proceedings of the governors of the Territory from the 16th of October 1799 to the 1st of July 1800.

It was, therefore, thought that a complete record of the proceedings had been filed in Washington. Unfortunately, however, about half of that record disappeared years ago.

When William Henry Smith was editing the St. Clair Papers for publication, he employed a clerk in Washington to make a copy of the record of the proceedings of the Northwest Territory. This copy was attested on the 10th day of June, 1873, by Hamilton Fish, Secretary of State. At the conclusion of this copied report appears this significant statement:

No records of the government of the territory northwest of the Ohio are found in the Department of State of the United States of a date subsequent to June 1795.

Through all these years research workers have looked in vain for the records subsequent to June 1795. In this volume, which has now been brought to light, the complete record is found. It is remarkably well preserved and every word is perfectly legible.

As students of the Northwest Territory know, there were three men who held the office of Secretary of the Territory. The first of these was Winthrop Sargent, a soldier of the Revolution, with an excellent military record, a graduate of Yale College. The Sargent family was eminent in the Colonial history of America and has fully sustained that eminence

through succeeding generations. Winthrop Sargent was Secretary of the Northwest Territory from July 9, 1788, to May 31, 1798, when he resigned to become Governor of the Mississippi Territory.

On the 28th of June, 1798, the President of the United States appointed William Henry Harrison, Secretary of the Northwest Territory. His record in this old volume begins with that date and continues until October 1, 1799. This is the last date in the record of Harrison, though he probably continued in office until the appointment of his successor.

The record kept by Harrison's successor contains the following as its first item:

The executive of the United States on the 31st day of December in the year 1799 appointed Charles Willing Byrd secretary of, in, to, and for the Territory of the United States northwest of the River Ohio.

When Ohio was admitted into the Union, Charles Willing Byrd became the first judge of the federal district of Ohio.

The foregoing is a brief description of this old record. Illustrative of the use which has already been made of it is a request from a member of the Supreme Court of Michigan for a list of officers appointed by the governors of Northwest Territory for the county of Wayne, which included Michigan before it became a part of Indiana Territory. The names of the officers which he wished to get were included between the years of 1776 and 1800. They were in the portion of the record that had been missing for perhaps over a hundred years. The reference librarian in the Museum and Library Building has copied about two hundred names to send in response to this request. They could not have been found in any other record.

It will be noticed that we have used the term "governors of the Northwest Territory." In the absence of the governor, the secretary of the Territory acted as governor. A large proportion of Winthrop Sargent's service was in the position of acting governor in the absence of St. Clair. Harrison and Byrd also at times acted in this capacity.

This note is adapted from *Museum Echoes*, monthly publication of the Ohio State Archeological and Historical Society, Columbus.

CONSIDERABLE interest is being roused by the work of the Anglo-American Records Foundation, a voluntary association of gentlemen interested in historical and genealogical research. They have become incorporated for the purpose of publishing without profit hitherto unprinted material from English archives containing matters relating to the settlement of America. This work must necessarily appeal to descendants of the original settlers on the Atlantic seaboard whether remaining in the East or now peopling the Great West.

The officials of this Foundation are well known in historical circles. Samuel Seabury, late Justice of the New York Court of Appeals is President, and among its directors are Franklin D. Roosevelt, William Byrd of Virginia, Frederic Winthrop of Massachusetts, and Governor William Tudor Gardner of Maine.

The first volume announced for publication by the Foundation will be a document of great interest to Americans entitled "The Able Men of Suffolk, 1638," being a literal transcript of the muster roll of men between 16 and 60 years of age at that date. It comprises over 24,000 names arranged in parishes and is fully indexed so that the contents are immediately available to those seeking family origins. It is hoped to issue at least one volume a year. The offices of the Foundation are at 122 East 58th Street, New York City.

RECENT BIBLIOGRAPHICAL ITEMS OF SPECIAL INTEREST

Isle Royale National Park, Michigan. . . . Report by Joseph L. Hooper (to accompany H. R. 17005). 4 pp. Washington, U. S. Govt. Printing Office, 1931.

Negaunee, Michigan: An Urban Center Dominated by Iron Mining. Thesis submitted for the degree of Ph. D. at the University of Chicago, 1930, by Joe Russell Whitaker. Private edition distributed by the University of Chicago, printed at Philadelphia, 1931, pp. 118. Reprinted from Bulletin of the Geographical Society of Philadelphia, Vol. XXIX, 1931.

Industrial Detroit: the Variety and Scope of Manufacturing Industries in the Fourth City. By A. M. Smith. The Detroit News, 1930, pp. 118. The articles collected in this pamphlet appeared in the Detroit News beginning March 26 and ending April 28, 1930. The account of each industry is followed by a directory.

Sacred Cows: A Story of the Recall of Major Bowles. By Cash Asher. Published by the Author, Detroit, 1931, pp. 210.

BLOOMFIELD HILLS

(Supplementary to the Directory of Michigan Museum)

CRANBROOK Institute of Science Victor H. Cahalane, Director

The Cranbrook Institute of Science was founded in 1930, the gift of Mr. and Mrs. George G. Booth, through a deed of trust to the Cranbrook Foundation. It is under the general administration of a Board of Directors. The physical plant consists of a hollow square of buildings (erected 1930), three sides of which are devoted to exhibition halls and library, and the remainder to workshops, offices and an astronomical observatory, the latter housing a 6-inch refractor.

The collections and exhibits cover astronomy, geology and mineralogy, botany, zoology, physics and chemistry. In zoology is being built up a fine series of small habitat groups of Michigan insects and other invertebrates, birds and mammals, and a hall devoted to an exposition of the principles of biology. A section is also given over to North American anthropology.

The purpose of the Institute is primarily to supply scientific materials and higher types of apparatus for teaching the natural and physical sciences in the schools of Cranbrook. Special lectures and demonstrations are also given, as well as extra-curricular instruction for students fitted to go beyond regular high school course work. A program of research in the natural sciences is being developed and expedi-

tions are sent out for field investigations. The results are published from time to time in a series of bulletins. Publications also include bulletins of a popular nature designed to give the general public a better understanding and therefore enjoyment of nature. The exhibitions and library are open to the public without charge from 9 A. M. to 5 P. M. except on Saturdays and Sundays.

Cranbrook may be reached by driving north on Woodward Avenue 12 miles from the Detroit city limits and one mile west on Lone Pine Road; or from Telegraph Road about six miles south of Pontiac by driving east about two miles on Lone Pine Road. The Institute of Science is situated on the north side of the Cranbrook property and is distinguishable from most directions by its observatory dome and buff-colored buildings.

(Continuing the report on departments which was begun in the Summer Number, 1931)

DEPARTMENT OF PUBLIC INSTRUCTION *History*

THE first State Constitution of Michigan which was adopted by the people of 1835 provided that the Governor appoint a Superintendent of Public Instruction. In 1836 John D. Pierce was appointed to this office, the first of its kind in the United States, and held the position until 1841. From that beginning has developed the Department of Public Instruction.

A bronze bust of John D. Pierce, known as Father Pierce, stands in the corridor near the offices of this Department. The bust was presented by the schools of Michigan.

The present Superintendent of Public Instruction is Webster H. Pearce, who has filled the office since July 1, 1927 or two terms of two years each. He was re-elected at the April election for another term.

Successive legislatures have increased the duties of the Department and this has increased the number employed in the Department to 61.

Some of the divisions of the Department having charge of special phases of work are the rural division, legal division, divisions of inspection and supervision of instruction, high schools, certification, music, physical education and athletics, vocational education, civilian rehabilitation, statistics and child accounting, and editorial.

In the basement of the Capitol building is the statistical and child accounting division. There is a record card for each of the one and a quarter million of school children in the State, giving full name, age, parentage, etc. There are also between 500,000 and 600,000 family cards giving names of all school children in each family.

There are approximately 1,000,000 pupils enrolled in the public schools; 33,000 teachers employed; 143,000 pupils enrolled in private and parochial schools; about 9,000 school buildings. The supervision of all schools is delegated by law to the State Superintendent.

Building plans, and heating and ventilating plans must all be approved by the State Department. Stoves in rural schools are being replaced by more healthful and sanitary equipment, and children are being surrounded in their school lives by the best conditions possible.

The State Superintendent is a member of the State Board of Education in control of the four State Teachers Colleges, the Board of Regents of the University of Michigan, the State Board of Agriculture, of county normal boards in charge of fifty county normals, of the Board of State Auditors, of the State Administrative Board, and other State boards.

The State paid to school districts last year \$24,000,000 primary money or \$17.92 per child, to aid in the support of schools. This is in addition to aid in special cases.

Several thousand teachers certificates are granted each year.

Bulletins and circulars relating to teaching and school equipment are published and distributed to schools. The State Course of Study for schools and an approved library list are published by the Department.

The United States Government assists the Department

financially in work for the promotion of agriculture, home economics, and industrial education, and in rehabilitation work for crippled and handicapped persons. Last year 333 disabled people were trained for self-supporting jobs; 283 were located in jobs; the average cost for such training was \$156; the average beginning weekly wage after training was \$25.39. Over 25,000 people have been benefited and have been made self-supporting directly from this work in Michigan.

The State Department has charge of special classes for blind, deaf, and crippled children. About 3,000 are enrolled in these classes, 1583 of the number being crippled.

Since the admission of Michigan into the Union in 1837, a constantly improving program of education has been provided and today education considers a full development of the child—mental, moral, physical.

Offices on first floor of the Capitol Building.

MICHIGAN STATE LIBRARY

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The Michigan State Library, consisting of the General Library in the State Building and the Law Library in the Capitol Building, is a collection of about 300,000 volumes. Though the Law Library and the General Library are located in different buildings, they are both under the administration of the State Librarian, Mrs. Mary E. Frankhauser. Until eight years ago both divisions of the State Library were in the State Capitol Building, but need for more room caused the General Library to be moved into the new State Building, while the Law Library remained in the old quarters.

LAW LIBRARY

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The Law Library, containing about 50,000 books of a legal nature, serves the Michigan Supreme Court, the Legislature, the state officials, and the lawyers of the State. This law collection dates back more than 100 years. In 1928 the One Hundredth Anniversary of the Michigan State Library was

celebrated, and at that time the fact was brought out that the original 101 books in the State Library of 1828 were all law books. At the centennial celebration 99 of the original 101 were displayed. The Library, with its collection of law books, existed seven years before Michigan became a State. Among the most valuable of the possessions of the Law Library is a file of the statute laws and Supreme Court Reports of all of the states; all laws of Canada as well as the other British colonies; a file of the United States Supreme Court records and briefs, which is one of only three such files outside of Washington; a file of the Michigan Supreme Court records and briefs; and a fine collection of old session laws, in originals and reprints.

It has been the aim of the librarian always to make the collection in the Law Library a working one, and therefore, in the purchase of books, little effort has been made to collect foreign laws, except in the case of the British Colonial Laws.

GENERAL LIBRARY

LOAN AND REFERENCE DEPARTMENT

The loan and reference collection in the General Library, made up of about 250,000 books, serves the people of the entire state, especially those of the rural districts and small towns, who are otherwise out of the reach of libraries. Every one of the 83 counties of the state borrows books from the General Library. A large part of the service goes to schools, clubs, granges, and small libraries, though a large part goes also to individual men, women and children, who write to the library asking for books. The books are sent by parcel post in packages of from one to ten or more volumes, and are loaned for a period of three weeks, with a renewal privilege if desired. During the biennium ending July 31, 1930, there were sent out from the reference department 35,863 packages, containing 262,501 books. These books were on varied subjects, including literature, poetry, fiction, history, science, useful and fine arts, sociology, religion, and philosophy.

ART AND MUSIC DEPARTMENT

The Art and Music Department of the General Library loans pictures and music, and books on art and music. The schools of the State make large use of this department in borrowing pictures for study purposes. During the biennium ending July, 1930, there were loaned 42,683 pictures. This department also possesses a fine collection of music scores, which is loaned to music teachers and students, choirs and other groups.

TRAVELING LIBRARY DEPARTMENT

The Traveling Library Department of the General Library loans libraries, which are collections ranging from 25 to 100 or more books. These libraries are loaned to schools, clubs, granges, and other groups of people. They may be retained for the entire school year, from September to May, or may be returned and exchanged for other collections. Granges and clubs retain them for six weeks or longer, according to the need. During the biennium ending in July, 1930, there were circulated 2214 libraries, containing 66,600 books in all.

GENEALOGICAL DEPARTMENT

In the Genealogical Department, where persons interested in family genealogies are served, there are 6,464 volumes, including family genealogies, town and county histories, and vital records. These volumes are not loaned out, but must be used at the library. Men and women from every part of the State, as well as points outside of the State, visit the library for genealogical research.

DOCUMENTS

The State Library is depository for Federal documents and other government publications, as well as state publications from Michigan and other states.

PERIODICALS

Through its Periodical Department, the State Library subscribes to current magazines covering business, science, litera-

ture, and art, as well as 34 daily newspapers. Many of these magazines and newspapers are bound and kept in the files of the library.

EXTENSION DIVISION

The Extension Division of the State Library gives help to libraries of the State. The three workers in this department devote their time to organizing new libraries, reorganizing old ones, and giving help and advice in the administration of public and school libraries throughout the State. A school library supervisor works entirely with the school libraries. Help from the Extension Division is obtained by application to the State Librarian.

DEPARTMENT OF PUBLIC SAFETY

During the year 1917, the legislature passed an appropriation and created the War Preparedness Board. This act gave the Governor of the state, funds and personnel with which to create the Michigan State Troops. The purpose of the Michigan State Troops at that time was to replace the National Guard which had been called into active service. It carried on its work in such a satisfactory manner that in 1919, the legislature passed an act creating the Michigan State Police. Then in 1921 the legislature decided to centralize a number of state departments and at this time the Michigan State Police was merged with many other departments and was known as the Department of Public Safety.

The following divisions comprise the Department of Public Safety: Uniform Division, Detective Bureau, Bureau of Criminal Identification, Oil Inspection, Safety and Traffic, Radio, Prohibition.

UNIFORM DIVISION

This division is the largest division of the Department. Its members give a police service primarily to all rural communities of the State. Rigid examinations are required to obtain entry into this division. Before men are accepted for duty

it is required that they attend the Training School which is provided by this Department. Each member sworn in is vested by legislative act with the powers of a deputy sheriff and may exercise such authority anywhere in the State of Michigan. Enlistment is for no set period. These men are assigned to duty at one of the State Police Posts located throughout the State at advantageous points. They are required to generally enforce all laws of the State. This division is housed in a building at their headquarters at East Lansing.

SAFETY AND TRAFFIC DIVISION

This Division is made up of men taken from the Uniform Division. Most of their time is spent in teaching safety in the schools and conducting traffic surveys in the State. In addition to the educational work, the Division renders assistance to motorists and local officers, checks accidents and tests brakes.

RADIO DIVISION

In 1929 the legislature provided for a state-owned and operated radio broadcasting station for police purposes only. The station is now operating in a building of its own at East Lansing, and it is believed to be one of the most effective weapons in combating crime. Police cars are equipped with receivers and are able to receive word of a crime almost immediately.

DETECTIVE BUREAU

The members of this Division aid local officers throughout the State in the investigation of criminal offenses of any nature. The Detective Bureau functions similarly to the detective bureau in any metropolitan police department.

BUREAU OF CRIMINAL IDENTIFICATION

This Bureau has on file better than 750,000 finger prints. This is the second largest bureau of its kind in the nation

and is surpassed only by the federal bureau in Washington. This bureau also keeps a record of all guns.

OIL INSPECTION DIVISION

It is the duty of this Division to inspect and test all illuminating oils placed on sale in this State.

PROHIBITION DIVISION

This Division is concerned with the enforcement of the state and federal prohibition laws.

TRAINING SCHOOL FOR PEACE OFFICERS

This school provides for the training of peace officers. All subjects dealing with crime are taught. Schools are planned to be held in most of the larger cities of the State.

In Room 330, State Building, Bureau of Identification, there is a very interesting display of pictures, guns, etc.

STATE WELFARE DEPARTMENT

first and
Michigan, the fourth industrial state in the Union, with a cosmopolitan population of nearly 5,000,000 people necessitates a well organized and efficient Welfare Department under the supervision of a Director as Chief executive with a staff of assistants and competent field-workers.

In this Department are five commissions having general supervision over all social and welfare work and agencies involved. The Director meets with all commissions once a month.

The Welfare Commission of five members executes the business pertaining to County Jails, County Infirmaries, Child-Caring and Placing Agencies of which there are 61, Maternity Hospitals of which there are 230, Juvenile Detention Homes, and free and paid Boarding Homes, of which there are over two thousand five-hundred licensed under this Commission.

The Hospital Commission of seven members executes the business of the six Hospitals for Insane, the Michigan Home and Training School at Lapeer (feeble-minded) and the Farm

Colony for Epileptics at Wahjamega. The above institutions each have highly satisfactory Occupational Therapy Departments.

The Prison Commission of five members, executes the business of the State Prison at Jackson which, with a population of five thousand four-hundred, is next to the largest institution of its kind in the world at the present time, surpassed only by one in Germany. Here is found one of the most modern groups of Prison buildings in the world, equipped with modern machinery for the manufacture of the following articles: general line of brushes, automobile license plates, house numbers, steel signs, highway signs, steel lockers and cabinets and steel shelving, rustic tables and textiles, Java ply goods and binder twine. They also have a most modern canning factory where they can fruits and vegetables from the farm which is worked by inmates. The Ionia Reformatory, with a population of 1,800 manufactures office and school furniture and working shirts, besides operating a farm, the produce of which goes far toward feeding inmates. The Marquette Branch Prison employs about 900 men in the manufacture of overalls, coveralls and jackets and also operates a planing mill where are made boxes, fences and finished lumber.

The Institute Commission of five members executes the business of the State Public School at Coldwater where about 380 dependent children are cared for and educated. The School for the Deaf at Flint has an enrollment of 460 pupils who are taught various trades in conjunction with the regular public school curriculum. The School for the Blind at Lansing with 159 enrolled is doing excellent work in mental and manual development. The Employment Institution for the Blind at Saginaw teaches the blind the art of making brooms, fancy rugs, mops, wall dusters and chair-caning.

The Corrections Commission of five members executes the business of the Girls' Training School at Adrian where the girls from broken and unfortunate homes are sent for training and encouragement; others are sent because of delinquency; but all are given school privileges with courses in domestic

science and commercial training. The Boys' Vocational School at Lansing with 700 enrolled, gives training in shoe repairing, barbering, tailoring, carpentering, painting, printing, floriculture, gardening, mechanics, and music. A real effort is being made to fit the boys and girls of these institutions to take their places in the various walks of life.

One of the outstanding features of our several State institutions is the development of registered Holstein Fresian cattle. Many world record cows and sires are to be found in these herds which gives them prestige in the Holstein industry as foundation stock.

Offices: Fifth floor, State Office Building, Lansing.

DEPARTMENT OF LABOR AND INDUSTRY

The Department of Labor and Industry as constituted at the present time is a consolidation of the Department of Labor and the Industrial Accident Board.

The Department is administered by four commissioners, one of whom must be an attorney licensed to practice in the courts of this State, appointed by the Governor with the advice and consent of the Senate.

The Chairman of the Commission is designated by the Governor, and he has general charge of and supervision over the administrative affairs of the Department. Three members are assigned by him to the compensation division, and one member is designated as Commissioner of Labor.

The Commission has jurisdiction in the settlement of all claims for compensation under the Michigan Workmen's Compensation Law. Four Deputy Commissioners are engaged in arbitrating disputed claims, and the three members of the compensation division hear only cases appealed to them on the awards made by the Deputies.

The Commission has entire charge of all free employment bureaus, collection of wages from delinquent employers, and has charge of the enforcement of all labor laws.

The inspection of all factories, warehouses, stores, restaurants and hotels is under the supervision of the Commissioner of Labor.

Offices: Sixth floor, State Office Building, Lansing.

DEPARTMENT OF MICHIGAN
UNITED SPANISH WAR VETERANS

The United Spanish War Veterans is composed of soldiers, sailors and marines, and nurses who were engaged in the war between the United States and Spain.

The objects for which this order was organized are, in part, as follows:

To unite, through a national organization with State, local and other sub-divisions, those men and women who served during the War with Spain, and during the campaigns incidental to and growing out of that war.

To assist members, their widows, orphans, and dependent relatives, such as need help, encouragement, and protection.

To inculcate the principles of universal liberty, equal rights and justice to all mankind, of loyalty to our country, reverence for its institutions and obedience to its laws.

To encourage and promote the maintenance of an adequate military and naval establishment in our Country, and an efficient military and naval force in the several states, with a proper system for organizing a volunteer army in time of war.

To educate our people to a sense of the necessity for making provision for national defense, and to the importance of educating and training the youth of our land, so that they may be able efficiently to serve their Country and defend the flag in time of war.

To carry on the principles and objects for which this organization was founded, it was found necessary to establish a permanent headquarters office, and in 1915 an act was passed by the Michigan Legislature to provide permanent headquarters in the Capitol.

In 1929 this act was amended to provide for a more extensive program, and today all matters pertaining to the United Spanish War Veterans as an organization, are handled through this headquarters office, Room 749 State Office Building.

In addition to official business this office also handles pension claims for veterans and widows; assists in securing suitable positions for its members; aids in securing hospitalization; investigates complaints relative to veterans relief; and many other matters not directly connected with Departmental duties.

AMONG THE BOOKS

THE PAGEANT OF AMERICA, a pictorial history of the United States. Edited by Ralph Henry Gabriel. Yale University Press, New Haven, Conn., 1925-1929. 15 vols. Illustrations, plates, maps. Priced according to the edition.

This monumental undertaking stands in a class by itself. In its scope and method the work presents an impressive pageant of the triumphant sweep of American progress from earliest times to the present day.

The authority of the work speaks for itself. It is one of that series of projects to which Yale University has lent its prestige in recent years, in common with "The Chronicles of America" (50 vols.) and "The Chronicles of America Photoplays." Its editor-in-chief, Ralph H. Gabriel of the Yale faculty was assisted by a scholarly board of advisory editors, and for nine years a competent research staff made exhaustive investigations in hundreds of libraries, museums, societies, government archives, picture galleries, antique shops, art studios, and private collections in this and nine other countries. This should guarantee what the teacher and historically-minded layman will first wish to know.

The work is well proportioned. Due space is distributed to sections, racial elements, occupations, and to interests of war and peace. There are four volumes on material progress, six on social history, two on military history and two on political history. Each volume is arranged chronologically and is accompanied by an introduction describing its significance. The set as a whole is so arranged that it can be read continuously, or it can be used for "browsing," with most interesting results.

It is the combination of historical accuracy with human interest, that makes the work unique. While the real message is conveyed largely by the text, the work is frankly pictorial. There are over 11,000 illustrations in all. These comprise old maps, old charts, drawings, wood engravings, portraits, photographs, paintings of historic scenes and of various physical evidences showing what sort of lives people lived. Where possible, the illustration is the work of an eyewitness. In Vol. 1, this was not possible to a large extent, hence the larger proportion of paintings. Yet a work of creative art, if the artist is careful of his history, may often convey the spirit of an event better than a page of text, even better than an inferior drawing by a contemporary. This feature of the work is quite satisfactory.

While the selection of these pictures has been a matter of historical judgment, on the whole there is evidence of care and balance in their

selection. Here is no mere collection of pictures at random, but a happy combination, and most tastefully and skillfully arranged. In scope they range from the first mention of legendary Vinland to the present day. Here we see the Spanish adventurer, the French conqueror, the English Puritan, the American colonist crossing the seas, the pioneers building their homes in the wilderness, dealing with the Indians, at work on the farm or in the mill, trekking over the western plains, hunting in the wilderness, delving in the mines, or enjoying advantages and pastimes of leisure and culture. It is the most lavishly illustrated work covering the whole field of American history that has yet been published.

The appeal of this panorama to youth can hardly fail. It should be not only a call to ambition but a stimulus to the best type of citizenship. It is notable that the pictures stress only those features of life and culture deserving emulation. It may be objected that this gives a one-sided view. There is a scarcity of illustration, for example, showing the darker side of negro slavery, or of our relations with the Indians, or of the relations of capital and labor. These omissions will not be regretted by parents and teachers. The frank idealism of the work is justified in its aim to inspire the rising generation with the greatness of America and the onward sweeping march of American progress.

Teachers and librarians will find these pictures of special value in that they contain the rare and the inaccessible in addition to the usual material. The convenience of pictures and text will be appreciated. For the general reader the captions of the pictures are long enough to explain the essential detail. No turning of pages is necessary to find text to further explain the picture or to find the picture which illustrates the text. In the main, the text gives a sort of running comment on the pictures, stating principally their source, value, and significance. Teachers should not find it difficult to supply what the text omits or what the pictures do not tell. In Vol. 15 there is a general bibliography, and a topical guide to the entire work.

These volumes should effect a strong reinforcement of the new method of presenting and studying American history. This visualizing of history will do much to revitalize it, to overthrow narrow views, and to instill action and reality into phases of the subject that have been inert or confused in the public mind. A man from Mars forming his first acquaintance with the United States by means of these volumes would gain a very respectable notion of it from the pictures alone. For junior and senior high schools, and for college students in beginning courses, these volumes will make an exceptional reference work to supplement text book and lectures.

It is scarcely necessary to review these volumes individually. Such

titles as "Adventurers in the Wilderness," "The Lure of the Frontier," and "Toilers of Land and Sea" introduce the series. Then follow "The March of Commerce" and "The Epic of Industry." In such volumes as "The Winning of Freedom," "In Defense of Liberty," "Builders of the Republic" and "Makers of a New Nation" the usual ground is covered. Some volumes represent scattered knowledge not hitherto brought together, as in "Annals of American Sport," "The American Stage," "The American Spirit in Art," and "American Idealism."

Too much can not be said in praise of the beautiful appearance of these books. The size is ample and distinctive. The workmanship is durable for long hard usage. The paper, binding, and designs represent the highest standards of good taste.

It is only justice to say that these books should be in every school and home that can afford them.

ADVENTUROUS AMERICA: A STUDY OF CONTEMPORARY LIFE AND THOUGHT. By Edwin Mims. Scribners, N. Y., 1929, pp. 304. Price \$2.50.

This is a forward-looking book. It will not please the Victorians who wish "to get back to normalcy." Professor Mims belongs to the older generation, yet he is not content to remember the past merely with longing. He believes that America is going somewhere and he wants to find out where and help her go there. The book begins with a sane and balanced study of present-day life and thought, and proceeds with no mere superficial optimism. Prof. Mims believes America to be in the early years of a vital and vivid era. He points out that the spirit of adventure has been characteristic of America from the beginning. Significant is the dedication "To my children, fortunate that they may live to see wonderful things in America." The closing chapter "Toward the New Reformation" many will find inspiring.

THE AWAKENING COLLEGE. By Clarence Cook Little. W. W. Norton and Co., N. Y., 1930, pp. 282. Price \$3.

Any book by Clarence Cook Little, recently president of the University of Michigan and widely known for his failure in a certain crisis to temper courage with discretion, would intrigue the interest of Michigan people. It is safe to say that the present volume is being read and discussed more widely by young people than any book on education that has appeared in recent years.

Dr. Little's appeal to youth is easily understandable. He has given them unbounded and sincere confidence. He is genuinely interested in their education and in their personal problems. This attitude is reflected especially in his chapter on "Religion in College", perhaps the best in the book. In dealing with their specific personal problems, such as self-support in college, he has made for them some wise and helpful comments.

But on the whole Dr. Little has missed an outstanding opportunity to present to college youth a judicious and balanced view of the total situation which faces them. The bad temper which prompts sweeping denunciations in dealing with the subject of fraternities, is not impressive. The treatment of co-education is not very convincing. The distortions in the volume, mainly due to this fundamental emotional weakness, are greatly to be regretted.

Professors, alumni, trustees come in for their turn. Perhaps the bitterest chapter in the book is that on "The Professional Scholar." It contains some good solid thought for reflection but it will be discounted because of the manner in which it is presented. The chapter "Politics: the State and the University" is a considerable contribution, as is also the chapter on "Athletics". In athletics Dr. Little agrees substantially with the views set forth in the recent Carnegie Foundation report. Some very sensible things are said in the chapter on "Military Training." Perhaps the most original and constructive chapter is that on "Alumni", in which he sets forth what has now become widely known as the "Alumni University."

In general Dr. Little feels there is more urgent need of reform on the part of the faculty and administrative officers than on the part of the students. The total effect of the volume is to impress the idea that the problem of the "Awakening College" is really a complex of problems, whose tang is likely to be more largely emotional than intellectual, and for whose solution there must be added to sincerity and courage a due degree of patience and wisdom.

This is a brave little volume in many ways. The pungent way of putting certain things which ought to be said will make them memorable. Despite its obviously hasty preparation which has led to some inaccuracies and unfairness it bears the marks of a vigorous creative mind.

THE REAL FOUNDERS OF NEW ENGLAND: STORIES OF THEIR LIFE
ALONG THE COAST, 1602-1628. By Charles Knowles Bolton. F. W.
Faxon Co., Boston, 1929, pp. 192. Price \$3.50.

This little volume by Professor Bolton brings together much out-of-the-way information on the early history of the New England coast before the landing of the Pilgrims and Puritans. It is a story of rough individualism and somewhat turbulent frontier settlement, such as might be expected from this hardy lot of fishermen and Indian traders, who were interested in personal profit and adventure rather than in establishing any settled policy in the New World such as distinguished the founders of Plymouth and Boston. In this view they were "first settlers" rather than "real founders". But the author has told his story attractively, and many of his figures are impressive, as the Rev. William Blaxton who settled on the site of Boston and became a considerable Church of England influence. This is a book of enduring human interest as well as of historical value.

CHICAGO: A MORE INTIMATE VIEW OF URBAN POLITICS. By Charles Edward Merriam, Professor of Political Science in the University of Chicago. Macmillan Co., N. Y., 1929, pp. 305. Price \$3.50.

Professor Merriam writes: "Opinions differ as to whether the city is the hope of democracy or its despair, but unless there is a swift and radical change in modern social trends, the future of democracy rests with the cities. As goes the city, so goes the nation. In another generation in all probability the political standards, habits, practices, ideals, of cities will be those of America.

Here is no blood-and-thunder exposé in the modern manner, of graft and corruption in high places, of political bosses despoiling a great city. It is a complete and authentic study of Chicago's political condition in the light of the historic, economic, and social forces which have changed the "pork packer of the world" of the 90's to the great mid-western metropolis that is today.

Professor Merriam writes from experience as a resident of Chicago for over a quarter of a century, during which time he has been continuously in the department of political science of the University of Chicago, and was for six years an alderman of the city. He was twice defeated for the mayoralty,—not by the gangsters, but by the public utility interests, which he estranged by his protection of the city's interests. Despite the intricacies of the liquor question, religion, race, "big business," crime, and politics, Prof. Merriam ends his narrative with a note of hope.

THE JOHN ASKIN PAPERS: Vol. II, 1796-1820. Edited by Milo M. Quaife, Secretary-Editor, the Burton Historical Collection. Published by the Detroit Library Commission, Detroit, 1931, pp. 829. Price \$5.

Vol. I of this series, pertaining to the years 1747-1795, was reviewed in the Winter number of the Magazine for 1928. The present volume relates to the life of Detroit and vicinity as reflected in the private papers of John Askin particularly for the years 1796-1814; only a few of the documents are of later date.

John Askin, of Scotch ancestry, was born in Ireland in 1734, came to America as a soldier in the Seven Years' War, and later engaged in the fur trade as a partner of Major Robert Rogers. From 1764 to 1780 he was at Mackinac, then at Detroit until 1802, when he removed to the present site of Walkerville, Canada. There he remained until his death in 1815. Throughout his career in the Northwest he was distinguished as a leading merchant and trader, prominent in both social and governmental affairs. By successive marriages he was intimately connected with the Indians and the French, always a loyal British subject, holding office at Detroit for some years as magistrate and officer of militia. The papers of this volume reflect these various interests and associations: shipping, Indian trade, land titles and speculation, salt and whiskey manufacture, farming methods, introduction of new crops, militia administration, establishment of schools, and local and general political conditions.

Dr. Quaife who edits the volume, gives some interesting disclosures of these documents, writing in the May number of the *Burton Historical Collection Leaflet*, copy of which may be obtained for the asking from the Detroit Public Library. The pages of these *Papers* are no small aid to help one reconstruct the life of Detroit as it was over a century ago.

THE LOW COUNTRIES AND THE HUNDRED YEARS WAR, 1326-1347. By Henry Stephen Lucas. Ann Arbor, University of Michigan, 1929. (University of Michigan Publications, History and Political Science, Volume VIII), pp. 696.

This book, as even the casual reader will note, is the result of enormous industry, concentrated application, and a thorough knowledge of virtually all the important sources dealing with the subject discussed by the learned author. Dr. Lucas has devoted more than six years to the study of the Low Countries in the fourteenth century and he has also familiarized himself with the complicated relations between England and various duchies and counties in The Netherlands, particularly Flander, Brabant, and Holland.

Inspired by the brilliant work of Professor H. Pirenne, who took a vital interest in the author's work after he had made a promising start, Dr. Lucas plunged into the difficult task of studying and comparing the numerous chronicles and documents reposing in the libraries and archives of England, France, Belgium and Holland. He admirably succeeded in following practically all the threads of diplomacy spun by skilled statesmen of the fourteenth century. What is equally remarkable, he has presented an account of seemingly dry and drab developments in such a manner that many readers who might have been frightened away from the narrative, will follow the story with unabated interest, not having realized that thousands upon thousands of scattered bits of information were woven into a skillfully constructed fabric of history.

Among the numerous illuminating conclusions drawn by the author is the observation to the effect that the celebrated chronicles by Froissart and Villani are much less reliable than those by more obscure writers. We are also taught to appreciate the importance of William, count of Holland, Zeeland, and Hainaut, and we are shown that Van Artevelde was a person of minor prominence. It would seem, however, that in general the role played by the Low Countries from 1326 to 1347 has been exaggerated. In conscious imitation of the versatile Pirenne, whose fertile imagination occasionally has led to mistaken interpretations, Lucas writes for example on p. 580: "These lands [Holland, Zeeland, and Friesland] were situated on the broad highways of the world's commerce, the Rhine, Meuse, and the Schelde, the Zuider Zee and the North Sea." Such a statement is somewhat misleading, for neither the Meuse, nor the Scheldt, nor the Zuider Zee was the scene of extensive commerce in the period mentioned. Another minor defect in the book is the large number of wrongly spelled words in the Dutch titles in the Bibliography.—*Reviewed for this Magazine by Dr. Albert Hyma, University of Michigan.*

BATTLE CREEK—ITS YESTERDAYS. By H. M. Stegeman, Head of the Department of Journalism, Battle Creek College. Published by The Battle Creek Enquirer and News, 1931, pp. 34. Price 10 cents.

This little pamphlet, devised as a community service, began as a series of talks in the "College of the Air" given over WELI, the *Enquirer and News* radio station, as a feature of the centennial issue of Jan. 1, 1931.

"Boys and girls in Battle Creek schools were poring over histories of Greece and Rome, but they were woefully ignorant of the history

of the community in which they lived. I thought that, perhaps, I could help them," writes Prof. Stegeman in his introduction.

The pamphlet is now used as a text in the grade schools of Battle Creek.

Prof. Stegeman is a graduate of Harvard and for fifteen years was a member of the staff of the *New York Tribune*.

This pamphlet is a good example of what can be done for the schools as well as the adults of a community by a public spirited citizen who is specially fitted. Fortunate is the community which has a Boswell in its midst.

NINE LIVES IN LETTERS: BY THE YEARS. From Cabinets of Ivan Swift and Files of the Green Bench. (Limited to 150 copies). Issued by the Green Bench Shop. Harbor Springs, Michigan, 1930.

A volume as unique as its author. To appreciate, one must read. A "book of documented frustration," the author calls it, in his foreword.

The volume is not paged, but it contains 150 pages, covering dates from 1880 to 1930. Each copy is numbered and autographed by the author. There is no index, but the author suggests: "When frustrated, look inside. There's no index to Life."

Has the mantle of Fra Elbertus fallen upon these shoulders?

May we say, while the title has a feline suggestion, the contents are not "catty." They remind of the Brown Thrasher which delights to haunt the wilds and dart in and out of brush heaps.

A bookful of fruitful ideas poetically expressed.

**PUBLICATIONS OF THE MICHIGAN HISTORICAL
COMMISSION**

LANSING

MICHIGAN HISTORY MAGAZINE, comprising lighter documents, papers and studies, devoted to the people, resources, industries, politics, government, institutions, Indian legendary and prehistoric lore of Michigan, together with historical news of the State. Published quarterly. About 600 pages a year. Free to members of the Michigan State Historical Society. (Membership \$2 a year). Back numbers out of print.

MICHIGAN HISTORICAL COLLECTIONS—(40 vols.). Composed of documents, papers and pioneer stories. Volumes 1-35, and the 2 index volumes are out of print. Volume 39 contains a brief subject-and-author index to the series.

UNIVERSITY SERIES, comprising longer historical studies.
Vol. I—Economic and Social Beginnings of Michigan
Vol. II—Public Life of Zachariah Chandler
Vol. III—Historical Geography of Detroit
Vol. IV—Political Parties in Michigan
Vol. V—Michigan Fur Trade—Pere Marquette Railroad
(Out of print).

BULLETINS. 1-16. A few copies available.

MISCELLANEOUS PUBLICATIONS

Map Bibliography: Michigan and the Great Lakes Region

Life and Times of Stevens T. Mason

Michigan Bibliography (Out of print)

Michigan Biographies (Out of print)

Michigan in the Great War

Messages of the Governors of Michigan

Life of William Dummer Powell (Out of print)

State Control of Public Instruction in Michigan (Out of print)

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